



**SIXTH MODIFICATION OF STANDING ORDER REGARDING
CORONAVIRUS DISEASE (COVID-19) MITIGATION TO ALL
ARANSAS COUNTY JUSTICES OF THE PEACE (JUSTICE COURT)
(Order No. 06)**

The Justices of the Peace in Aransas County issue this order pursuant by the authority granted by law and by all emergency orders regarding the COVID-19 state of disaster issued by the Supreme Court of Texas and Court of Criminal Appeals of Texas. The Aransas County Justices of the Peace issue the following order to protect the community and limit risk to COVID-19.

In an attempt to consolidate all COVID-19 related standing orders from the Aransas County Justices of the Peace, and provide relevant changes to dates in previous orders in one document, this order supplements all previous COVID-19 related standing orders from the Aransas County Justices of the Peace.

1. Due to the continued COVID-19 disaster declarations by the federal, state, and Aransas County governments; the number of COVID-19 cases in the Aransas County area; Aransas County Judges' Orders; and the Supreme Court of Texas' 22nd Emergency Order Regarding the COVID-19 State of Disaster, the Justices of the Peace in Aransas County find it necessary to order:
 - a) No In-Person eviction cases (residential and commercial) will be heard until after September 30, 2020, except where the action of the tenant, or the tenant's household members or guests, pose an imminent threat of (a) physical harm to the property owner, the property owner's employees, or other tenants, including other tenants within the household; or (b) criminal activity.
 - b) Writ of Possession: To comply with this order, the Justice Court may grant all necessary modifications to deadlines or procedures from the Texas Rule of Civil Procedure (510.5 and 510.8(d)) regarding a writ of possession.
2. This order does not diminish the Justices of the Peace's ability to continue to issue judgments, orders, and rulings by submission if already authorized by law to do so for non-eviction cases.
3. For traffic/Class C citations with an appearance date that falls within March 13, 2020 to September 30, 2020, the appearance date will be extended and the Justice Court will notify defendants of a rescheduled appearance date by mailing notice to the last address on record with the Court (defendants should check the court's website weekly for updates and email the Court any updated mailing address). This applies to cite-and-release charges and summonses for charges other than Class C misdemeanors as well.
4. No warrants based on failing to appear or for violating a promise to appear to a Justice Court for a traffic/Class C citation, cite-and-release charge, or a summons will be issued until September 30, 2020.
5. In order to alleviate the threat of COVID-19 in County Jails, the Justices of the Peace temporarily suspend active warrants for all misdemeanor Class C offenses from their courts until September 30, 2020. All the requirements and conditions of the warrants previously signed by the Justices of the Peace remain in effect but are suspended during this state of emergency. For the effective suspension, the Aransas County Sheriff's Office, Aransas County Constables, and all other law enforcement agencies are directed to relate this order to all law enforcement officers requesting confirmation of warrants, so that they are aware not to bring Class C defendants to the jail.



Therefore, all warrants for misdemeanor Class C offenses from the Justices of the Peace are temporarily suspended until September 30, 2020. For the duration of this suspension, the Aransas County Sheriff's Office is ordered to not accept a defendant who solely has a Class C misdemeanor warrant from the Aransas County Justices of the Peace.

6. A Justice Court may require new filings to be limited to E-File (EFileTexas.gov) or to the Justice Court's designated filing email as noticed in each Justice Court's website only until September 30, 2020.
7. Each Justice Court is authorized to limit building access to comply with any recommendations/orders from county public health officials regarding limiting the number of people in a public space or room, including but not limited to, screening whether a person's business with the Justice Court falls into essential court business and limiting the hours a Justice Court is open to the public. If a Justice Court limits the hours it is open to the public, notice of such limitations shall be posted on the Justice Court's official website and at its main entrance.
8. **Deadlines:**

Any deadline for the filing (including statute of limitations calculations), or service of any civil case that falls on a day between March 13, 2020, and August 1, 2020, is extended until September 30, 2020.

 - a) Any deadline for perfecting appeal or for other appellate proceeding (except in a case for residential eviction for threat to person under the Justice Courts previous standing orders) is tolled from March 19, 2020 to May 8, 2020.
 - b) Any deadlines regarding appeal/post-judgment remedies for cases involving essential court proceedings are not tolled and shall follow all time periods that were normally mandated prior to March 19, 2020.
9. For all residential eviction cases filed on or after March 27, 2020, in order for the Court to comply with the CARES Act requirement regarding evictions and in order to receive competent testimony/evidence on whether the CARES Act applies to a property consistent with Texas Rules of Civil Procedure 500.6, all Aransas County Justice Court will require the filing of a sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a "covered dwelling" under the CARES Act.
 - a) No judgment in an eviction case shall be issued in favor of the plaintiff until the filing of a sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a "covered dwelling" under the CARES Act is filed with the Justice Court.
 - b) The sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a "covered dwelling" under the CARES Act may be filed beginning at the time of filing the plaintiff's petition until the conclusion of the plaintiff's case-in-chief.
 - c) Per the Supreme Court of Texas' Twenty-Second Emergency Order Regarding the COVID-19 State of Disaster, for eviction proceedings filed from March 27, 2020, through September 30, 2020, a sworn original, amended, or supplemental petition containing "a description of the

JUDGE DIANA RINCHE-MCGINNIS
JUSTICE OF THE PEACE PCT 2
JP2@ARANSASCOUNTY.ORG
2840 HWY 35, ROCKPORT, TX 78382
PHONE (361)790-0131 / FAX (361)790-5392



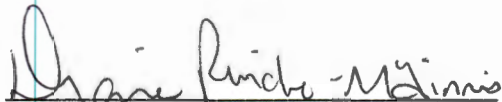
JUDGE DIANE DUPNIK
JUSTICE OF THE PEACE PCT 1
JP1@ARANSASCOUNTY.ORG
2840 HWY 35, ROCKPORT, TX 78382
PHONE (361)790-0130 / FAX (361)790-5402

facts and grounds for eviction" required by Texas Rule of Civil Procedure 510.3(a)(2) must state whether or not:

- i) The premises is a "covered dwelling" subject to Section 4024 of the CARES Act;
 - ii) The plaintiff is a "multifamily borrower" under forbearance subject to Section 4023 of the CARES Act; and
 - iii) The plaintiff has provided the defendant with 30 days' notice to vacate under Sections 4024(c) and 4023 (e) of the CARES Act.
10. This order is in effect immediately and shall remain in effect until modified/rescinded by the Aransas County Justices of the Peace. The time periods in this order may be extended in a subsequent order if required.

The undersigned Justice of the Peace has the necessary authority and authorization to sign this order on behalf of the five Justices of the Peace in Aransas County. All Justices of the Peace in Aransas County approve this order: Judges Diana Rinche-McGinnis and Diane Dupnik.

Signed on August 18, 2020 at 4:30 PM.


Judge Diana Rinche-McGinnis


Judge Diane Dupnik