



**ELLIS COUNTY COURT AT LAW NO. 1
JUDGE JIM CHAPMAN**

**Ellis County Courthouse
109 S. Jackson
Waxahachie, TX 75165
www.co.ellis.tx.us**

Tianta Schwartz - Court Coordinator
Phone (972) 825-5255
Fax (972) 825-5256
Email ccl1coordinator@co.ellis.tx.us

Tierney Lilley - Court Reporter
(972) 825-5257
(972) 825-5256
tierney.lilley@co.ellis.tx.us

Condemnation Cases – Award of Special Commissioners Withdrawal Process

The following is the Court's Policy for the withdrawal of the Award of Special Commissioners in condemnation cases:

Option A – Agreed Order

1. File a Motion for Apportionment and Withdrawal of Funds specifically stating the amount of funds sought to be withdrawn; and
2. Submit an Agreed Order for Withdrawal of Funds which all named Defendants in the case have signed. Any non-signors must have filed a waiver of interest; and
3. Provide a no taxes owed certificate or a taxes due statement and designate in the Order that all taxes due should be paid from the funds in the registry of the Court prior to disbursement of the requested withdrawal.

Option B – No Agreement

1. File a Motion for Apportionment and Withdrawal of Funds specifically stating the amount of funds sought to be withdrawn; and
2. Obtain a hearing date for the Motion; and
3. Personally serve a Precept on all Defendants with the Notice of Hearing on the Motion for Withdrawal, Motion for Apportionment and Withdrawal of Funds, and Award of Special Commissioners attached at least twenty days in advance of the hearing; and
4. Provide a no taxes owed certificate or a taxes due statement and designate in the Order that all taxes due should be paid from the funds in the Registry of the Court prior to disbursement of the requested withdrawal; and
5. Conduct a hearing on the record to prove up the Movant's interest in the property for which funds are on deposit in the registry.

NOTE: If there is a dispute as to the apportionment it will be necessary to file a Trespass to Try Title cause of action.