

FILED AT 12:25 P.M.  
DIANE L&FLORE DIST. CLERK

OCT 05 2017

GRIMES COUNTY, TEXAS  
BY DISTRICT CLERK DEPUTY

**IN THE 12<sup>TH</sup> JUDICIAL DISTRICT COURT; THE 506<sup>TH</sup> JUDICIAL DISTRICT COURT; AND, THE GRIMES COUNTY COURT AT LAW**

Re: Letter of Instruction on filing of cases subject to concurrent jurisdiction of the courts

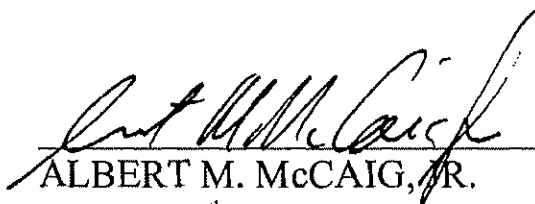
1. The establishment of the Grimes County Court at Law (CCL) has created the need for clarity and consistency in the filing of various cases with the Grimes County Offices of the District Clerk and County Clerk; and, cases which are subject to concurrent jurisdiction of the trial courts. This letter of instruction provides guidance for the courts, the District Clerk, the County Clerk, and attorneys in the filing of those cases on and after October 1, 2017.
2. Section 25.0003 of the Texas Government Code sets out the general jurisdiction of the CCL. Generally, new civil cases with an amount in controversy of less than \$200,000 but more than \$500, may be filed with the CCL or the district courts. The subject matter of such cases generally includes all controversies except for a suit concerning title to real property. Examples would be personal injury, contract disputes, and torts. It is suggested that such cases be filed with the County Clerk for hearing by the CCL. In the event attorneys file cases with the District Clerk, they will be assigned to one of the district courts. However, at the discretion and agreement of the judges, cases may be transferred between the courts.
3. Section 21.001 of the Texas Property Code grants jurisdiction to the CCL in cases of eminent domain (condemnation proceedings) concurrent with the district courts. In order to maintain consistency, a condemnation action pending as of October 1, 2017, shall remain with the district court in which it is pending. All condemnation cases filed on or after October 1, 2017, shall be filed with the County Clerk for hearing in the CCL. If the condemnation case contains an issue of title to real property, that case shall be filed in the district courts. In the event a request for transfer is made concerning a case filed with the CCL into the district courts, the granting of the transfer shall be made at the discretion of the district court in compliance with then current statutory requirements. If a condemnation case is filed with the District Clerk, the District Clerk shall forward the matter to the County Clerk for filing under a standing order to effectuate the transfer.
4. Section 25.001 of the Texas Property Code grants jurisdiction of cases involving personal property according to the value of the property, within the jurisdictional amounts of the various courts. It is suggested that such cases be filed with the County Clerk for hearing by the CCL. In the event attorneys file cases with the District Clerk, they will be assigned to one of the district courts. However, at the discretion and agreement of the judges, cases may be transferred between the courts.
5. Section 22.007 of the Texas Estates Code provides for original probate jurisdiction in the CCL. Contested probate proceedings shall be filed in the CCL.

6. Section 65.021 of the Texas Civil Practice & Remedies Code provides for jurisdiction of Writs of Injunction. Jurisdiction is concurrent with the CCL and district courts. As in the situation in items 2. and 4., above, for injunctions with damages claimed within the \$200,000 jurisdiction of the CCL, it is suggested that such cases be filed with the County Clerk for hearing by the CCL. In the event attorneys file cases with the District Clerk, they will be assigned to one of the district courts. However, at the discretion and agreement of the judges, cases may be transferred between the courts.
7. The Texas Family Code provides for concurrent jurisdiction with the CCL and the district courts for matters concerning dissolution of marriage and suits affecting the parent-child relationship. All cases arising from the Texas Family Code will be filed with the District Clerk for hearing in the CCL beginning October 1, 2017. Further, all currently pending cases arising from the Texas Family Code will be transferred from the respective district court into the CCL, by a blanket transfer order, effective October 1, 2017. At the request of any attorney of record in a pending family law case, consideration for retaining such case in the district court shall be made on a case-by-case basis by the respective district judge. The CCL judge may request transfer of any case to the district courts in the event of a conflict of interest or other good cause.
8. All other cases shall be filed in the court with original jurisdiction or as provided for by specific statute. Cases not covered by this LOI and involving concurrent jurisdiction will be reviewed with the Local Administrative Judge prior to filing.

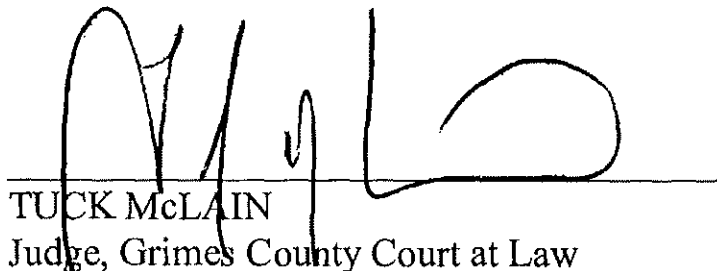
This letter of instruction is effective October 1, 2017.



DONALD L. KRAEMER  
Judge, 12<sup>th</sup> Judicial District Court



ALBERT M. McCAIG, JR.  
Judge, 506<sup>th</sup> Judicial District Court



TUCK McLAIN  
Judge, Grimes County Court at Law