

## How to move (transfer) your case to another court: (Both Sides Do NOT Agree)

This checklist tells you how to ask a judge to move (transfer) your civil case to a court in a different county if both sides do not agree.

**Note:** This checklist only applies to civil (not family law) cases that are in a district court or county court at law. Do not use these forms for any cases in a justice court.

### **Step 1: Fill out these forms and schedule a hearing.**

***Motion to Transfer Venue and Notice of Hearing- Click here for the FORM***

(<https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>) [1]

- This form tells the judge that you need your case moved to a court in a different county.
- Fill it out completely in blue or black ink and sign it.

Section 3 tells the judge why you are asking to transfer venue. Neatly write why you need to transfer venue.

### **This is important. You must show that:**

#### **1. Venue is not proper in the current court and venue is:**

- mandatory in another court, or
- proper in another court under the general venue rules, or
- proper in another court under the permissive venue rules, or

#### **2. Venue is more convenient in another court for the parties, witnesses and in the interest of justice, or**

- **Important:** Remember to include the facts in your Motion showing why venue is more convenient in another county for the parties, the witnesses and in the interest of justice. You can also (but you do not have to) attach a sworn affidavit or unsworn declaration with the facts supporting convenience.

#### **3. A change of venue is supported by your affidavit and the affidavits of at least 3 other credible (believable) people that live in that county, showing local prejudice, that:**

- you cannot get a fair and impartial trial in the current county, or

- any other sufficient (necessary) reason as determined by the court, or

#### 4. the parties agree to change venue.

**Note:** Only the defendant (or the respondent) may file a Motion to Transfer Venue and Notice of Hearing because venue is not proper in the current court or due to convenience. Either the plaintiff (or the petitioner) or the defendant (or the respondent) may file a Motion to Transfer Venue and Notice of Hearing due to reasons supported by affidavits (local prejudice) or by agreement of all of the parties.

- Call the court clerk to get a hearing date for your Motion to Transfer Venue and Notice of Hearing. Get a date that is at least 55 days away.

**Note:** The other side must receive a copy of the Motion to Transfer Venue and Notice of Hearing at least 45 days before the hearing. See Texas Rule of Civil Procedure, Rule 87.

- Write the date and time of the hearing on the Motion to Transfer Venue and Notice of Hearing form.

**Order on Motion to Transfer Venue (called Order for short). - Click Here for the form** (<https://texaslawhelp.org/form/order-motion-transfer-venue>) [2]

- Fill out this form completely in blue or black ink (except for the judge's signature).
- You will ask the judge to sign this form to grant the motion and transfer your case.

#### **Step 2: Turn in your motion form.**

Turn in the Motion to Transfer Venue and Notice of Hearing (<https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>) [1] at the clerk's office and get a copy for both you and the other side. The clerk will "file-stamp" your forms with the date and time and return the copies to you.

#### **Step 3: Send a file-stamped copy of your motion to the other side.**

Send a file-stamped copy of the Motion to Transfer Venue and Notice of Hearing (<https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>) to the other side. [Click here to chat.](#)

hearing) [1] to the other side on the same day you get the hearing date. If the other side has a lawyer, send it to the lawyer instead of directly to the other side. Send it:

- by fax, or
- by email, or
- by commercial delivery service (such as FedEx or UPS), or
- by personal delivery, or
- by certified mail, return receipt requested and regular mail. (This way may take too long.)

Keep proof that you sent the Motion to Transfer Venue and Notice of Hearing (<https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>) [1] to the other side. You must bring proof to your hearing.

**Step 4: Go to the hearing and ask the judge to sign your order form.**

Be ready to explain to the judge why you need to transfer venue. Bring proof that you sent the Motion to Transfer Venue and Notice of Hearing (<https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>) [1] to the other side. Bring the Order on Motion to Transfer Venue (<https://texaslawhelp.org/form/order-motion-transfer-venue>) [2] for the judge to sign. Remember, the judge may or may not transfer your case.

If the judge signs your Order on Motion to Transfer Venue (<https://texaslawhelp.org/form/order-motion-transfer-venue>) [2], take the signed order back to the clerk's office. Turn it in and ask for a file-stamped copy. Tell the clerk that you need to have the case file transferred to the new court.

**Step 5: Send a file-stamped copy of the order to the other side.**

Send a file-stamped copy of the signed Order on Motion to Transfer Venue (<https://texaslawhelp.org/form/order-motion-transfer-venue>) [2] to the other side by email, fax or commercial delivery. Keep proof that you sent it.

[Click here to chat.](#)

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### Links

[1] <https://texaslawhelp.org/form/motion-transfer-venue-and-notice-hearing>

[2] <https://texaslawhelp.org/form/order-motion-transfer-venue>

[Click here to chat.](#)