

NAME OF PETITIONER)	IN THE COUNTY COURT FOR
)	
VS.)	_____ COUNTY, TEXAS
)	
NAME OF DEFENDANT)	
)	CASE NO. _____

MOTION FOR APPOINTMENT OF COUNSEL

Comes now NAME OF PARTY, PETITIONER/DEFENDANT herein, and pursuant to the Government Code of Texas, Section 26.049, Vernon's Texas Statutes Annotated, moves that the Court appoint counsel to attend to movant's cause herein.

Grounds for this motion are the following:

- (1) Section 26.049 of the Government Code of Texas allows a County Judge to appoint counsel to attend to the cause of a party who makes an affidavit that he is too poor to employ counsel to attend to the cause.
- (2) The affidavit required by Section 26.049 of the Government Code of Texas accompanies this motion.
- (3) Movant is too poor to employ counsel to attend to movant's cause herein. As set forth in the accompanying Affidavit, this case presents exceptional circumstances warranting appointment of counsel.

WHEREFORE, pursuant to Section 26.049 of the Government Code of Texas, movant moves that the Court find that (1) the merits of the movant's cause are colorable; (2) the ability of the indigent movant to investigate crucial facts is limited if counsel is not Appointed; (3) the nature of the evidence indicates

that the truth will more likely be exposed where both sides are represented by counsel; (4) the capability of the indigent movant to present the case is limited if the movant is not represented by counsel: and (5) the complexity of the legal issues raised by the pleadings makes it appropriate to grant the motion,

Date: _____

Respectfully submitted,

Signed: _____

FULL NAME
STREET ADDRESS
CITY, TX ZIP
PHONE.: (A.C.) ###-####

CERTIFICATE OF SERVICE

A copy of the foregoing with the Affidavit in Support and the proposed Order, were mailed to the opposing party, or the opposing party's attorney (if the opposing party is represented) by first class certified mail, U.S. postage pre-paid, on the _____ day of _____, 200____.

Signed: _____

NAME OF PETITIONER)	IN THE COUNTY COURT FOR
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AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL

Comes now NAME OF PARTY, PETITIONER/DEFENDANT herein, and pursuant to the Government Code of Texas, Section 26.049, Vernon's Texas Statutes Annotated, makes this Affidavit in support of the Motion for Appointment of Counsel herein.

I am over the age of twenty-one, am a citizen of the United States and resident of Texas, and I have personal knowledge of the following:

- (1) Section 26.049 of the Government Code of Texas allows a County Judge to appoint counsel to attend to the cause of a party who makes an affidavit that he is too poor to employ counsel to attend to the cause.
- (2) This affidavit is required by Section 26.049 of the Government Code of Texas.
- (3) Affiant is too poor to employ counsel to attend to affiant's cause herein.

A. My monthly income is from the sources checked, and in the amounts indicated per month:

[] Social Security. Amount: _____

[] Supplemental Security Income.

Amount: _____

[] Veteran's Benefits. Amount: _____

[] Net earnings from employment.

Amount: _____

[] Other income. Amount: _____

[] Spouse's income per month.

Amount: _____

B. I am responsible for, and do support the following dependents (if none, "none"):

Name: _____ Relation: _____

Name: _____ Relation: _____

Name: _____ Relation: _____

C. My equity interests in property (fair market value, less any encumbrances such as loans) are as follows:

1. Cars and/or Trucks (if none, "none"):

a. Year/Make/Value of My Interest:

b. Year/Make/Value of My Interest:

D. My checking and/or savings accounts are as follows (if none, "none"):

1. Checking. Bank name(s) and location(s), account number(s), current balance(s):

2. Savings/IRAs/CDs. Bank name(s) and location(s), account number(s), current balance(s):

E. Cash on hand: \$ _____

F. Other property, excluding homestead.
Description, location, estimated value:

G. Monthly expenses:

1. Rent/mortgage: _____
2. Car payment: _____
3. Transportation: _____
4. Clothing/laundry: _____
5. Food: _____
6. Child care: _____
7. Medical/dental: _____
8. Utilities: _____
9. Other
(describe and list cost):

TOTAL MONTHLY EXPENSES: _____

H. Debts and child support obligations (exclude houses and automobile):

Creditor:	Monthly payment:
1. _____	_____
2. _____	_____
3. _____	_____

4. _____

5. _____

(4) The Affiant is not a lawyer, is unschooled in the law, and believes that adequate presentation of the Affiant's cause requires the appointment of counsel. This case involves exceptional circumstances and the public and private interests are such that the administration of justice will be best served by appointing an attorney to represent the Affiant. These circumstances include the following:

Based on the above, it is the position of Affiant that (1) the merits of the Affiant's cause are colorable; (2) the ability of the indigent Affiant to investigate crucial facts is limited if counsel is not Appointed; (3) the nature of the evidence indicates that the truth will more likely be exposed where both sides are represented by counsel; (4) the capability of the indigent Affiant to present the case is limited if the Affiant is not represented by counsel; and (5) the complexity of the legal issues raised by the pleadings

makes it appropriate to grant the Affiant's motion.

Further affiant sayeth naught.

Sworn to and subscribed before me, this _____ day of
_____, 200__.

Notary Public
My commission expires:

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ORDER FOR APPOINTMENT OF COUNSEL

The Court, having considered the Motion of NAME of PARTY herein, pursuant to the Government Code of Texas, Section 26.049, and the pleadings and other documents on file in this matter grants said Motion. The Court finds and concludes that (1) the merits of the movant's cause are colorable; (2) the ability of the indigent movant to investigate crucial facts is limited if counsel is not appointed; (3) the nature of the evidence indicates that the truth will more likely be exposed where both sides are represented by counsel; (4) the capability of the indigent movant to present the case is limited if the movant is not represented by counsel: and (5) the complexity of the legal issues raised by the pleadings makes it appropriate to grant the motion. Therefore the Court finds and concludes that exceptional circumstances exist warranting appointment of counsel,

The Court therefore appoints the following attorney as counsel for movant:

Name of Attorney: _____

Address of Attorney: _____

Phone number of
Attorney: _____

The Court further schedules this matter for

(Name of next proceeding)

on the _____ day of _____, 200_, and directs that
movant forthwith consult with the above-appointed counsel to
prepare for said next scheduled proceeding herein.

SO ORDERED this _____ day of _____, 200_.

County Judge