

THE NAME'S BONDS, SUPERSEDEAS BONDS

By Jody Sanders¹

Have you ever wondered how to turn an ordinary -sedeas into a supersedeas? If so, we can be friends. Lame jokes aside, knowing how the supersedeas process works is becoming an increasingly critical part of appellate work.

Appellate attorneys often get hired to start the appellate process: the notice of appeal, record requests, those types of things. That means that the trial court portion is mostly over.

Except for judgment enforcement or suspension. Many appellate attorneys stay out of that process—it can require trial court hearings, evidence, and factual findings. You know, the stuff we like to avoid. But it's a critical time. Because if your client can't suspend the judgment, the enforcement process may prevent their appeal.

Knowing the rules and process helps clients evaluate how—and if—they can suspend (or enforce) the judgment. Knowing the potential costs of a supersedeas fight also may lead parties to resolve those issues without throwing away money that neither side will get back.

This paper primarily focuses on Texas procedure because it has many types and amounts of potential supersedeas. But federal courts have their own quirks. This paper tracks those rules and some of the emergent issues to show what's possible or problematic.

¹ Jody Sanders is a partner in the appellate and litigation sections at Kelly Hart & Hallman, LLP in Fort Worth. He also cohosts the Texas Appellate Law Podcast.

A. What is supersedeas?

Put simply, it's the means an appellant uses to stay enforcement of a judgment during appeal. Texas supersedeas standards come from two sources: (1) Texas Civil Practice & Remedies Code Chapter 52 and (2) Texas Rule of Appellate Procedure 24. The CPRC provides the statutory basis, while Rule 24 provides the implementation.² The current rules “may be seen as more protective of debtors, consistent with deep, populist Texas traditions.”³ “They may also be seen as respecting the importance of the right to a meaningful appeal.”⁴

There are four ways a party can supersede a Texas judgment: (1) filing a written agreement with the judgment creditor suspending enforcement; (2) filing a “good and sufficient bond;” (3) making a deposit (cash or check); or (4) providing alternate security.⁵ Each requires a slightly different process.

First, an agreement to supersede can look like a Rule 11 agreement or something more formal. The rule gives the parties much flexibility. Perhaps it's agreeable because the judgment debtor has significant assets and neither side wants to spend money to fight. Or it might be some settlement where a party pays the other side an amount that the creditor will get regardless of appeal's outcome. But whatever it looks like, once filed, the judgment is superseded.

Second, there's a bond, which requires more scrutiny. It must be “good and sufficient.”⁶ It also must be (1) in the amount required by Rule 24.2 (more on that later); (2) payable to the judgment creditor; (3) signed by the judgment debtor or its agent; (4) signed by a sufficient surety or sureties; and (5) conditioned as required by Rule 24.1(d).⁷ Recent rule changes make the bond effective upon filing—the clerk no longer needs to approve it.⁸

TIP

Check carefully who a judgment debtor uses as a surety to ensure that they are “sufficient.” While a bond or insurance company may be fine, the rule does not require any particular type. Thus, sometimes a judgment debtor can use a related company as a surety.⁹ But if the surety's assets consist largely of stock in the judgment debtor or similar intermingled assets, it provides no separate assurance of

² If there's a conflict, the CPRC controls. Tex. Civ. Prac. & Rem. Code § 52.005.

³ *In re Longview Energy Co.*, 464 S.W.3d 353, 359 (Tex. 2015) (orig. proceeding).

⁴ *Id.*

⁵ Tex. R. App. P. 24.1(a).

⁶ Tex. R. App. P. 24.1(a)(2).

⁷ Tex. R. App. P. 24.1(b)(1).

⁸ Tex. R. App. P. 24.1(b)(2).

⁹ *FaulknerUSA, LP v. Alaron Supply Co., Inc.*, 301 S.W.3d 345, 348 (Tex. App.—El Paso 2009, op. on mot.).

payment and may not properly secure a bond.¹⁰ The party providing the bond bears the burden to prove the surety's sufficiency.¹¹

Third, there are several ways to make a deposit in lieu of bond. A party can deposit (1) cash; (2) a cashier's check payable to the clerk; or (3) with leave of court, a negotiable obligation of the federal government, or any federally insured and chartered bank or savings and loan.¹² Like the bond, Rule 24.2 sets the required amount. The clerk will hold the deposit in an account for the duration of the appeal, until the bond conditions are met.

TIPS

1. Check with the clerk's office before deciding on a deposit to determine interest rates and what interest is returnable on the deposit. Some clerk's offices will take a portion of the interest accrued as a fee. Your client might also consult a bond broker prior to deposit because sometimes they offer accounts with higher interest rates than a court, which could offset bond premiums.

2. The clerk's record must include a copy of the supersedeas bond or "certificate of cash deposit in lieu of bond."¹³ Clerk's offices don't necessarily issue a certificate upon deposit. So if you make a deposit, do a short filing stating what you are depositing, the amount, and the conditions so that you can include it in the record.

Fourth, a party can post alternative security with permission from the trial court. There's no particular guideline for what constitutes alternative security—it rests within the trial court's discretion. But think unencumbered, non-cash assets that meet or exceed the bond amounts. So for a client that has significant non-liquid assets, that might include unencumbered real¹⁴ or personal property, stock or partnership interests (including in closely-held entities), bonds, cryptocurrency or digital assets, accounts receivable, or something similar. If it's property with a value

¹⁰ *Ischy v. McCammon*, No. 03-12-00661-CV, 2013 WL 839600, at *3 (Tex. App.—Austin Feb. 28, 2013, [mand. disp'd] (mem. op.); *TransAmerican Nat. Gas Corp. v. Finkelstein*, 905 S.W.2d 412, 415 (Tex. App.—San Antonio 1995, pet. disp'd), enforcement granted in part, 911 S.W.2d 153 (Tex. App.—San Antonio 1995, no writ).

¹¹ *Ischy v. McCammon*, 2013 WL 839600, at *3.

¹² Tex. R. App. P. 24.1(c)(1)(C).

¹³ Tex. R. App. P. 34.5(a)(13).

¹⁴ *MKM Engineers, Inc. v. Guzder*, No. 14-23-00160-CV, 2024 WL 4538139, at *4 (Tex. App.—Houston [14th Dist.] Oct. 22, 2024, mem. op. on mot.) (per curiam) (finding that trial court abused its discretion by refusing posting of deed of trust on real estate).

that fluctuates (e.g., real estate or Bitcoin), be prepared to post property whose value significantly exceeds the required amount to account for fluctuations.¹⁵

TIP

Based on recent legislative enactments, the Texas Supreme Court added Texas Rule of Appellate Procedure 24.4(e). It provides for mandatory alternative security in certain circumstances. Rule 24.4(e) applies to a judgment debtor with a net worth of less than \$10 million. If posting the type of security required by 24.2(a)(1) (cash or bond) would require the judgment debtor to “substantially liquidate the judgment debtor’s real or personal property necessary to the normal course of the debtor’s business,” the trial court *must* permit posting alternative security.¹⁶ During appeal, the judgment debtor continues to manage, use, and receive the earnings from the property. We don’t yet know what the rule is going to require. But we do know that Rule 24.2(e)’s alternative security is in addition to the alternative security permitted by Rule 24.2(a)(4).¹⁷ At a minimum, it will require proof of (1) net worth; (2) asset values; and (3) the substantial liquidation of the property. It probably also will need proof of the costs/inability to obtain a bond.¹⁸

No matter which supersedeas you use, they need proper conditions. The conditions are important because they set the limits of liability for the sureties and also limit how or when the court can release the security. Rule 24.1(d) contains the conditions (e.g., if the debtor fails to appeal or does not perform an adverse judgment final on appeal).

Once the supersedeas is filed (whatever form it takes), the judgment is superseded.¹⁹ If done before enforcement begins, then enforcement won’t happen. But if the creditor has begun enforcement proceedings (e.g., garnishment, writs of execution, etc.), the judgment debtor needs to ask the clerk to issue a writ of supersedeas to anyone attempting to enforce the judgment. This usually requires a fee. Make sure it goes to everyone who needs it, which might include a sheriff’s office or other law enforcement in possession of a writ of execution.

¹⁵ See *In re Kay*, 715 S.W.3d 747, 752 (Tex. 2025) (orig. proceeding) (per curiam) (“[I]f a court finds a judgment debtor’s net worth to require a \$25 million supersedeas bond only because of the valuation of particular personal property, an unrestricted tender of that very property into the registry of the court generally will constitute adequate alternative security unless the record demonstrates a particular need for different treatment.”).

¹⁶ Tex. R. App. P. 24.2(e).

¹⁷ *In re Kay*, 715 S.W.3d at 751.

¹⁸ *Dorothy Marshall Living Tr. v. Dallas Co.*, No. 05-26-00101-CV, 2026 WL 937000, at *1 (Tex. App.—Dallas Apr. 6, 2026, mem. op. on mot. [mand. denied]).

¹⁹ Tex. R. App. P. 24.1(f).

TIP

Civil Procedure Rule 621a permits post-judgment discovery “so long as said judgment has not been suspended by supersedeas bond[.]”²⁰ Thus, a court potentially abuses its discretion by ordering post-judgment discovery after supersedeas.²¹ But a court can permit discovery to allow challenges to supersedeas under Appellate Rule 24.²² The rules also provide pauses on writs of execution for 30 days after judgment automatically or 30 days after any post-judgment motions are overruled by operation of law or order.²³

The federal rule does not permit the automatic supersedeas that Texas does. A federal judgment is stayed for only 30 days by rule.²⁴ If a party wants to stay a judgment pending appeal, it has to ask the district court.²⁵ The district court has discretion over not only the decision to stay, but also approval of the bond or other security.²⁶ The stay does not take effect until the court approves the security.²⁷ If the district court does not grant relief, a party can file a similar motion in the court of appeals.²⁸ The court of appeals can consider a motion that has not gone to the district court, but the movant must explain why it would be impracticable to start there.²⁹

B. How much is required to supersede?

Texas’s rules make the amount seem like a simple question. But the real answer depends on the type of judgment and the judgment debtor’s financial circumstances.

1. Texas money judgments.

a. Compensatory plus costs and estimated interest or 50% of net worth.

For a money judgment, Rule 24.2 (taken from the statute) requires debtors to post “the sum of compensatory damages awarded in the judgment, interest for the

²⁰ Tex. R. Civ. P. 621a.

²¹ *Phipps v. Largo*, No. 01-25-00307-CV, 2026 WL 388215, at *4 (Tex. App.—Houston [1st Dist.] Feb. 12, 2026, no pet. h.) (mem. op. on mot.); *In re Parikh*, No. 14-25-00714-CV, 2025 WL 3718680, at *2 (Tex. App.—Houston [14th Dist.] Dec. 23, 2025, orig. proceeding) (mem. op.) (collecting cases).

²² *In re Longview Energy Co.*, 464 S.W.3d at 362; *In re Smith*, 192 S.W.3d 564, 569 (Tex. 2006) (orig. proceeding); Tex. R. App. P. 24.2(c)(2).

²³ Tex. R. Civ. P. 627.

²⁴ Fed. R. Civ. P. 62(a).

²⁵ Fed. R. Civ. P. 62(b); Fed. R. App. P. 8(a).

²⁶ Fed. R. App. P. 8(B).

²⁷ Fed. R. Civ. P. 62(b).

²⁸ Fed. R. App. P. 8(a)(2).

²⁹ Fed. R. App. P. 8(a)(2)(A)(i).

estimated duration of the appeal, and costs awarded in the judgment.”³⁰ Courts have interpreted “compensatory” to exclude:

- Exemplary damages;³¹
- Equitable remedies like disgorgement;³²
- Attorneys’ fees awarded in the case;³³ and
- Pre-judgment interest on damages.³⁴

And the estimated “interest” only covers interest the amounts required to be superseded—not the whole judgment.³⁵

Once calculated, the next step applies any caps. At most, the rules require supersedeas on a money judgment for the lesser of (1) 50% of the judgment debtor’s net worth; or (2) \$25 million.³⁶

TIP

The statute and rule speak about the amount in terms of “the judgment.” Courts have disagreed on whether this means that all debtors may supersede with a single \$25 million bond or whether it requires individual bonds. But the Texas Supreme Court recently settled this question by holding that the \$25 million cap applies *per debtor*—not per judgment.³⁷ While the court’s opinion leaves room for debtors to file a joint bond, each must separately satisfy the supersedeas cap—whether \$25 million, compensatory damages, or net worth.

What remains in flux is what happens when the collective bond amounts in a joint (or multiple) bonds might leave the creditor oversecured. *In re Greystar* is a 5-4 opinion and one of the splits is how joint bonds work. The majority stated that “when jointly liable debtors file a joint bond, that bond must obligate the surety for the entire amount of the judgment, interest, and costs if the judgment is affirmed as

³⁰ Tex. R. App. P. 24.2(a)(1); Tex. Civ. Prac. & Rem. Code § 52.006(a).

³¹ *In re Nalle Plastics Family Ltd. P’ship*, 406 S.W.3d 168, 174 (Tex. 2013) (orig. proceeding); *Sun Holdings, Inc. v. Stockton*, No. 05-24-00503-CV, 2025 WL 2097720, at *3 (Tex. App.—Dallas July 25, 2025, no pet.) (mem. op. on mot.).

³² *In re Longview Energy Co.*, 464 S.W.3d at 361. Similar reasoning may apply to civil penalties. See *In re Xerox Corp.*, 555 S.W.3d 518, 529 (Tex. 2018) (orig. proceeding); *Wal-Mart Stores, Inc. v. Forte*, 497 S.W.3d 460, 465 (Tex. 2016).

³³ *In re Corral-Lerma*, 451 S.W.3d 385, 386 (Tex. 2014) (orig. proceeding); *In re Nalle Plastics Family Ltd. P’ship*, 406 S.W.3d at 171. If the attorneys’ fees are part of the compensatory damages (e.g. fees caused in a different proceeding by the wrongful act) they may need to be included in the amount required. *In re Nalle*, 406 S.W.3d at 175.

³⁴ *In re Nalle*, 406 S.W.3d at 173-74.

³⁵ *In re Corral-Lerma*, 451 S.W.3d at 387; *Sun Holdings, Inc.*, 2025 WL 2097720, at *3.

³⁶ Tex. R. App. P. 24.2(a)(1).

³⁷ *In re Greystar Dev. & Constr., L.P.*, No. 24-2093, 2026 WL 1445481 (Tex. May 22, 2026) (orig. proceeding).

to any of the judgment debtors filing the bond.”³⁸ But it also cautioned that the same principle prevented multiple judgment debtors from having to oversecure the judgment creditor by posting security that exceeds the maximum amount of the judgment.³⁹ How that works in practice will likely require additional cases. Recently, the Dallas Court of Appeals recently held that even when multiple debtors provide individual supersedeas, a trial court cannot remove language limiting the creditor to only one recovery of the full amount.⁴⁰

Thus, any money judgment has three possible supersedeas amounts:

(1) \$25 million if:

- the compensatory + interest + costs > \$25 million; and
- the debtor’s net worth > \$50 million;

(2) The compensatory + interest + costs if:

- the judgment is less than \$25 million; and
- the debtor’s net worth > 2x the compensatory calculation

(3) 50% of the debtor’s net worth if:

- 50% net worth < the compensatory calculation; and
- 50% net worth < \$25 million.

If using the \$25 million or compensatory calculation, then posting supersedeas in that amount meets the requirements. Upon filing, the judgment is stayed.

b. The net worth proof and process.

Using net worth requires a slightly different process. To post net-worth supersedeas, the debtor also must file an affidavit stating (1) the debtor’s current net worth and (2) “complete, detailed information concerning the debtor’s assets and liabilities from which net worth can be ascertained.”⁴¹ The affidavit provides prima facie evidence of net worth.

The net worth calculation requires only *current* net worth—at the time of affidavit.⁴² Though not defined in the rules or statutes, courts define net worth as “the difference between total assets and total liabilities determined in accordance

³⁸ *In re Greystar*, 2026 WL 1445481, at *8.

³⁹ *Id.*

⁴⁰ *Sun Holdings, Inc.*, 2025 WL 2097720, at *3.

⁴¹ Tex. R. App. P. 24.2(c).

⁴² *Senior Care Living VI, LLC v. Preston Hollow Capital, LLC*, 695 S.W.3d 446, 456 (Tex. App.—Houston [1st Dist.] 2023, order).

with generally accepted accounting principles.”⁴³ Courts generally agree that a debtor cannot include the judgment on appeal in the net worth calculation because it constitutes only a contingent liability.⁴⁴ Similarly, exempt assets may not be subject to judgment collection, but should be included in the net worth calculation.⁴⁵

TIP

Net worth calculation does not require expert testimony.⁴⁶ The judgment debtor can serve as the affiant based on personal knowledge of their assets and liabilities. But if the net worth calculation requires any complicated accounting or specific knowledge of GAAP principles, consider retaining an expert or someone inside an entity debtor that possesses GAAP knowledge.⁴⁷ Otherwise, they are subject to cross-examination on application of GAAP principles that they may not know.

When a net-worth affidavit is filed with the supersedeas, the judgment is stayed. But a judgment debtor can file a net-worth contest that requires more searching proof.⁴⁸ The contest allows for net-worth discovery, which can include written discovery and depositions. Because courts look only to *current* net worth, parties should object to requests that seek information relating to past finances.⁴⁹ And a party seeking tax returns bears additional burdens to obtain that information.⁵⁰

Once discovery is completed, the trial court must hold an evidentiary hearing. Even though the creditor brings the contest, the judgment debtor retains the burden to prove its net worth.⁵¹ The trial court sits as the fact-finder and determines all issues relating to credibility. The trial court must issue an order finding the debtor’s current net worth and stating the factual basis.⁵² If the trial court increases the

⁴³ *Still Am., LLC v. Baron Glob. Distributors, LLC*, No. 09-25-00111-CV, 2025 WL 1403671, at *4 (Tex. App.—Beaumont May 15, 2025, no pet.) (mem. op. on mot.).

⁴⁴ *Senior Care Living VI, LLC*, 695 S.W.3d at 456. But could a court treat the matter differently if an expert testified that the judgment were required as a liability under GAAP?

⁴⁵ *Still Am., LLC*, 2025 WL 1403671, at *4.

⁴⁶ *Senior Care Living VI, LLC v. Preston Hollow Capital, LLC*, No. 01-21-00602-CV, 2023 WL 3220936, at *4 (Tex. App.—Houston [1st Dist.] May 2, 2023, mem. order).

⁴⁷ *E.g. In re Kay*, 715 S.W.3d 747, 749 (Tex. 2025) (orig. proceeding) (discussing expert testimony about valuation of shares in closely-held entity).

⁴⁸ Tex. R. App. P. 24.2(c)(2).

⁴⁹ *See In re Potashnik*, No. 05-19-01188-CV, 2020 WL 1933796, at *2 (Tex. App.—Dallas Apr. 22, 2020, orig. proceeding, pet. denied) (mem. op.); *see also In re Berridge Mfg. Co.*, No. 04-20-00462-CV, 2020 WL 7365455, at *2 (Tex. App.—San Antonio Dec. 16, 2020, orig. proceeding [mand. denied]) (mem. op.) (collecting cases).

⁵⁰ *Id.*

⁵¹ Tex. R. App. P. 24.2(c)(3).

⁵² *Id.*

required security based on its findings, Rule 24.2 provides an additional twenty-day enforcement stay. But if the debtor does not post the additional supersedeas during that time, the judgment becomes enforceable again.⁵³

c. Lesser amounts for substantial economic harm.

The rule also provides an exception to lower the required amount beyond the normal limits.⁵⁴ A court must lower the amount required by Rule 24.2(a) to an amount that will not cause the judgment debtor substantial economic harm.⁵⁵ Substantial economic harm does not have a defined standard. Instead, courts look to a variety of factors that can impact a debtor's actual ability to post the required security.⁵⁶ Though different in each case, potential factors include:

“How much cash or other resources would it take to post a supersedeas bond in the amount in question? Does the judgment debtor have sufficient cash or other assets on hand to post a supersedeas bond in this amount or to post a deposit in lieu of bond in this amount? Does the judgment debtor have any other source of funds available? Does the judgment debtor have the ability to borrow funds to post the requisite security? Does the judgment debtor have unencumbered assets to sell or pledge? What economic impact is such a transaction likely to have on the judgment debtor? Would requiring the judgment debtor to take certain action likely trigger liquidation or bankruptcy or have other harmful consequences?”⁵⁷

The judgment debtor maintains the burden of proof on substantial economic harm—a fact question.⁵⁸ Unlike an earlier version, the debtor only must show that substantial economic harm is *likely*, rather than irreparable.⁵⁹ Because it creates a fact question for the trial court as finder of fact, the trial court possesses significant discretion. Substantial economic harm reduction is not limited to money judgments.⁶⁰ It can potentially lower any amount required for any judgment type.

⁵³ *Id.*

⁵⁴ Tex. R. App. P. 24.2(b).

⁵⁵ *Id.*

⁵⁶ *Ramco Oil & Gas, Ltd. v. Anglo Dutch (Tenge) L.L.C.*, 171 S.W.3d 905, 917 (Tex. App.—Houston [14th Dist.] 2005, order).

⁵⁷ *Id.*; see also *Tex. Soccer Found. v. Sting Soccer Found.*, No. 05-19-01228-CV, 2020 WL 3445815, at *1 (Tex. App.—Dallas June 24, 2020, order) (mem. op.).

⁵⁸ *Ramco Oil & Gas, Ltd.*, 171 S.W.3d at 910.

⁵⁹ *In re Nalle*, 406 S.W.3d at 170; Tex. R. App. P. 24.2(b).

⁶⁰ Tex. R. App. P. 24.2(b).

TIP

Because substantial economic harm requires a finding and order from the court, simply filing a motion does not supersede the judgment. Give yourself time to prepare and file the motion *before* the judgment becomes enforceable if possible.

2. Federal money judgments.

Federal courts don't have a uniform standard on the amount required. But check the local rules of the court because some have specific rules on who can serve as a surety and the amount.⁶¹ There are some portions of the federal rules that suggest that state supersedeas procedure can apply even in federal court.⁶² That applies when the federal judgment creates a lien on the judgment debtor's property under state law.⁶³ The Fifth Circuit has held that a federal judgment does not automatically create a Texas lien, but can when perfected under Texas law.⁶⁴ But "the determination of a supersedeas bond amount is a matter of federal law, not state law."⁶⁵

Like Texas, the Fifth Circuit permits supersedeas for less than the judgment amount. The exceptions relate to the debtor's present financial condition. First, a party may obtain a bond waiver where "the losing party 'objectively demonstrates a present financial ability to facilely respond to a money judgment and presents to the court a financially secure plan for maintaining the same degree of solvency during the period of the appeal.'"⁶⁶ Second, a party may obtain a bond waiver "where 'the judgment debtor's present financial condition is such that the posting of a full bond would impose an undue financial burden....'"⁶⁷ Like Texas, the judgment debtor bears the burden of proof for departing from the normal amounts.⁶⁸

3. Texas property judgments.

While most people think of supersedeas in the context of money judgments, that isn't the only type that the rules cover. Texas has separate supersedeas amount

⁶¹ See Eastern District of Texas Loc. R. CV-62 (requiring surety from approved list and full amount of judgment plus 20% and \$250.00 fee).

⁶² Fed. R. Civ. P. 62(f).

⁶³ *Id.*

⁶⁴ *MM Steel, L.P. v. JSW Steel (USA) Inc.*, 771 F.3d 301, 305 (5th Cir. 2014).

⁶⁵ *Natour v. Bank of Am., N.A.*, No. 4:21-CV-00331, 2024 WL 3507308, at *5 (E.D. Tex. July 18, 2024), *appeal dismissed sub nom. Natour v. Hamdan*, No. 24-40484, 2025 WL 1589264 (5th Cir. June 5, 2025).

⁶⁶ *Traxcell Techs., LLC v. AT&T Corp.*, No. 217CV00718RWSRSP, 2023 WL 1971278, at *2 (E.D. Tex. Feb. 13, 2023) (quoting *Enserch Corp. v. Shand Morahan & Co.*, 918 F.2d 462, 464 (5th Cir. 1990)); see also *Natour*, 2024 WL 3507308, at *4.

⁶⁷ *Traxcell*, 2023 WL 1971278, at * 2 (quoting *Poplar Grove Planting & Ref. Co. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189, 1191 (5th Cir. 1979)); *Natour*, 2024 WL 3507308, at *4.

⁶⁸ *Traxcell*, 2023 WL 1971278, at *2.

requirements for judgments that provide a recovery of interest in real or personal property.⁶⁹ In those cases, the trial court must determine the type and amount of security that the judgment debtor will post.⁷⁰

For real property, the supersedeas must be “at least” the value of the property interest’s rent or revenue.⁷¹ Courts don’t agree on whether “revenue” is net or gross.⁷² For personal property, it must be the property interest’s value on the date when the court rendered judgment.⁷³ Because of the “at least” language, courts read these as the *minimum* amounts required to secure a property judgment.⁷⁴ This means that, upon proof of other amounts, a court can include other calculations in the required amounts. It also means that property-interest supersedeas exists separately from the caps on money judgments and can exceed \$25 million.⁷⁵

Unlike the money-judgment section, the property-judgment rules do not contemplate or require interest. While courts can include other items in the security, interest may not be an appropriate consideration.⁷⁶

4. “Other” Texas judgments.

What happens if the judgment isn’t one for compensatory damages or an interest in property? In those cases, it’s largely up to the trial judge to decide the appropriate amount of security. The rule requires that it “adequately protect the judgment creditor against loss or damage that the appeal might cause.”⁷⁷ What constitutes an “other” judgment depends on the case. For example, courts applied

⁶⁹ Tex. R. App. P. 24.2(a)(2). Note that the amount requirements in Rule 24.2(a)(2) and (a)(3) are not from the statute. They are only rules based.

⁷⁰ *Id.*

⁷¹ Tex. R. App. P. 24.2(a)(2).

⁷² *Hibernia Energy III, LLC v. Ferae Naturae, LLC*, 668 S.W.3d 771, 779 (Tex. App.—El Paso 2022, op. on cross-motions) (“revenue” is net); *Ryan v. Fender*, No. 12-21-00242-CV, 2022 WL 2062475, at *4 (Tex. App.—Tyler June 8, 2022, no pet.) (mem. op.) (citing definition that includes “gross”).

⁷³ Tex. R. App. P. 24.2(a)(2)(B).

⁷⁴ *S. Tex. Crane Serv., Inc. v. Commercial Credit Group, Inc.*, No. 13-24-00450-CV, 2025 WL 733678, at *4 (Tex. App.—Corpus Christi—Edinburg Mar. 7, 2025, op. on mot.); *Port Isabel Logistical Offshore Terminal, Inc. v. Subsea 7 Port Isabel, LLC*, No. 13-21-00169-CV, 2022 WL 7187142, at *14 (Tex. App.—Corpus Christi—Edinburg Oct. 13, 2022), review granted, judgment vacated, and remanded by agreement, No. 22-1053, 2023 WL 5992778 (Tex. Sept. 15, 2023) (mem. op.).

⁷⁵ See *Ahlgren v. Ahlgren*, No. 13-22-00029-CV, 2022 WL 1260190, at *5 (Tex. App.—Corpus Christi—Edinburg Apr. 25, 2022, mem. op. on order).

⁷⁶ *Mendell v. Scott*, No. 01-20-00578-CV, 2022 WL 2951666, at *7 (Tex. App.—Houston [1st Dist.] July 26, 2022, op. on mot.).

⁷⁷ Tex. R. App. P. 24.2(a)(3).

Rule 24.2(a)(3) to: (1) non-judicial foreclosure of a lien;⁷⁸ (2) removal and reinterment of remains;⁷⁹ (3) an award of stock;⁸⁰ (4) declaratory and injunctive relief;⁸¹ (5) state takeover of school district;⁸² (6) an order admitting a will to probate and appointing independent co-executors;⁸³ (7) an order permitting examination of an entity's books;⁸⁴ (8) a turnover order;⁸⁵ and (9) an order that invalidated grazing rights.⁸⁶

Unlike other judgment types, a trial court may decline supersedeas for an “other” judgment if the judgment creditor posts a counter-supersedeas sufficient to secure the judgment debtor against any loss or damage from enforcement.⁸⁷ But a trial court abuses its discretion if it denies supersedeas without requiring the judgment creditor to post security.⁸⁸ It also cannot decline to supersede when a judgment debtor has no adequate remedy by appeal (*i.e.*, damages cannot be calculated).⁸⁹ But when permitting counter-supersedeas by the judgment creditor, the trial court also can include conditions/injunctive relief against the creditor to protect the debtor.⁹⁰

When the state is the judgment debtor in an “other” judgment, the trial court must permit supersedeas except in a contested case in an administrative enforcement

⁷⁸ *White v. First United Bank & Tr. Co.*, No. 15-26-00004-CV, 2026 WL 1179130, at *3 (Tex. App. [15th Dist.] Mar. 17, 2026, op. and order on mot.); *but see Hibernia Energy III, LLC*, 668 S.W.3d at 775 (holding that foreclosure judgments fall under 24.2(a)(2)).

⁷⁹ *In re Parker*, No. 05-24-00809-CV, 2025 WL 2469484, at *1 (Tex. App.—Dallas Aug. 27, 2025, mem. op. and order).

⁸⁰ *AME & FE Investments, Ltd. v. NEC Networks, LLC*, 582 S.W.3d 294, 299 (Tex. App.—San Antonio 2017, pet. denied); *but see Crandall v. Fitzgerald*, No. 05-24-01413-CV, 2025 WL 1128790, at *1 (Tex. App.—Dallas Apr. 16, 2025, mem. op. on mot.) (holding that declaration of interest in partnership is recovery of personal property interest).

⁸¹ *El Caballero Ranch, Inc. v. Grace River Ranch, L.L.C.*, 707 S.W.3d 444, 451 (Tex. App.—San Antonio 2016, op. on mot.); *Ahlgren*, 2022 WL 1260190, at *6; *EIS Dev. II, LLC v. Buena Vista Area Ass'n*, 668 S.W.3d 696, 701 (Tex. App.—El Paso 2022, op. on order).

⁸² *Tex. Educ. Agency v. Houston Indep. Sch. Dist.*, 609 S.W.3d 569, 572 (Tex. App.—Austin 2020, [mand. denied]).

⁸³ *In re Estate of Hernandez*, No. 04-14-00046-CV, 2014 WL 1713566, at *1 (Tex. App.—San Antonio Apr. 30, 2014, no pet.) (mem. op.).

⁸⁴ *Hydroscience Techs., Inc. v. Hydroscience, Inc.*, 358 S.W.3d 759, 760 (Tex. App.—Dallas 2011, no pet.).

⁸⁵ *Estate of Tillotson*, No. 05-20-00258-CV, 2020 WL 5525114, at *2 (Tex. App.—Dallas Sept. 15, 2020, mem. op. on mot.)

⁸⁶ *Haedge v. Cent. Tex. Cattlemen's Ass'n*, No. 07-15-00368-CV, 2016 WL 836084, at *3 (Tex. App.—Amarillo Mar. 3, 2016, order) (per curiam).

⁸⁷ Tex. R. App. P. 24.2(a)(3).

⁸⁸ *In re Parker*, 2025 WL 2469484, at *3-4.

⁸⁹ *Interim Healthcare, Inc. v. Falcon Healthcare, Inc.*, No. 07-24-00043-CV, 2024 WL 1868948, at *3 (Tex. App.—Amarillo Apr. 24, 2024, order [mand. dism'd]).

⁹⁰ *Id.*

action.⁹¹ This means that the state is not subject to counter-supersedeas. An appellate court can, however, use its authority under Texas Rule of Appellate Procedure 29.3 to make temporary orders that preserve the parties' rights.⁹²

TIP

If the State or a state entity (including entities at lower levels) is a party, supersedeas rules differ regardless of the judgment type. For example, the state, counties, city, water and school districts are exempt from bonds, which can include appeal bonds.⁹³ They can supersede simply by filing a notice of appeal.⁹⁴

5. Conservatorship or custody.

For judgments involving conservatorship or custody of a minor or person under legal disability, the default is no suspension of enforcement.⁹⁵ But both the trial court and appellate court have authority to permit suspension with or without security “upon a proper showing.”⁹⁶ Courts have interpreted a “proper showing” to include “avoidance of disrupting the current living arrangements for a child pending appeal or potential danger to a child.”⁹⁷

6. Mixed Texas judgments.

What happens if a judgment doesn't award any one type of relief? The bad news is that you potentially have to supersede them all.⁹⁸ As the Corpus Christi-Edinburg Court of Appeals recently explained, “[i]n cases where different types of relief are awarded, like this one, courts generally take a siloed approach, analyzing the sufficiency of the security for each portion of the judgment according to the corresponding provision under Rule 24.2(a).”⁹⁹ Thus, you may have to post an initial bond or supersedeas that is subject to modification after a trial court makes findings for the other portions of the judgment. While this is risky, if you can't get a hearing before the judgment becomes executable, it at least stays the judgment until the other

⁹¹ Tex. R. App. P. 24.2(a)(3); *In re Tex. Educ. Agency*, 619 S.W.3d 679, 685 (Tex. 2021) (orig. proceeding).

⁹² *In re Paxton*, 727 S.W.3d 490, 492 (Tex. 2025) (orig. proceeding); *In re Tex. Educ. Agency*, 619 S.W.3d at 682-92.

⁹³ Tex. Civ. Prac. & Rem. Code §§ 6.001-03; *In re Tex. Educ. Agency*, 619 S.W.3d at 683.

⁹⁴ *In re Tex. Educ. Agency*, 619 S.W.3d at 683.

⁹⁵ Tex. R. App. P. 24.2(a)(4); Tex. Fam. Code § 109.002(c).

⁹⁶ *Id.*; see, e.g., *Marquez v. Marquez*, No. 08-12-00129-CV, 2012 WL 1555204, at *2 (Tex. App.—El Paso May 2, 2012, mem. op. on mot.) (per curiam).

⁹⁷ *Bridges v. Peery*, No. 03-25-00423-CV, 2025 WL 1853467, at *1 (Tex. App.—Austin July 3, 2025, order) (per curiam) (collecting cases).

⁹⁸ *Ryan*, 2022 WL 2062475, at *4.

⁹⁹ *S. Tex. Crane Serv., Inc.*, 2025 WL 733678, at *4.

side challenges and the trial court has a hearing. The takeaway is to pre-plan what hearings and findings you might need and move quickly to get them set!

7. Supersedeas injunction.

Rule 24.2(d) permits the trial court to enjoin the judgment debtor from dissipating or transferring assets to avoid satisfaction of the judgment. But the court cannot make an order that interferes with the debtor's ability to use their assets in the normal course of business. The party seeking the injunction must provide evidence to support it. But it can include evidence that the trial court heard over the course of pre-judgment proceedings.¹⁰⁰

The trial court has separate authority under Rule 24.1(e) to make other orders necessary to protect the judgment creditor against loss or damage that the appeal might cause. That leaves the trial court room to maneuver, but it cannot issue an order that conflicts with Chapter 52.¹⁰¹ Nor can it take actions that fall outside the enumerated bases for continuing jurisdiction in Rule 24.3(a).¹⁰² Trial courts can permit post-judgment discovery outside of Rule 621a when it relates to Rule 24 motions.¹⁰³ But it does not extend to unilateral actions taken without some challenge to the security.¹⁰⁴ During that time, if the trial court takes new action, the judgment debtor must notify the appellate court.¹⁰⁵

C. What happens if circumstances change during the appeal?

Unlike plenary power, a trial court's ability to review and modify supersedeas continues throughout the appeal.¹⁰⁶ Thus, it can continue to review and order the amount and type of security or its sufficiency after plenary power ends.¹⁰⁷ It also can modify the security required based on changed circumstances (e.g., if the appeal goes long and interest or supersedeas amount is insufficient).¹⁰⁸ It may require the trial court to take actions—like lifting judgment abstracts—that prevent a judgment debtor from superseding the judgment.¹⁰⁹ But the Texas Supreme Court has cautioned that Rule 24.3(a)'s extension of continuing jurisdiction only extends to the

¹⁰⁰ *Abadi Group Companies, LLC v. Weinritter St. Paul Square, LLC*, No. 04-24-00447-CV, 2025 WL 1452566, at *6 (Tex. App.—San Antonio May 21, 2025, no pet.) (mem. op.).

¹⁰¹ *Senior Care Living VI, LLC*, 695 S.W.3d at 454.

¹⁰² *In re Greystar*, 2026 wl 1445481, at *13.

¹⁰³ *In re Longview Energy Co.*, 464 S.W.3d at 362.

¹⁰⁴ *Mosser v. Flagstar Bank, FSB*, No. 05-23-01140-CV, 2025 WL 714961, at *1 (Tex. App.—Dallas Mar. 5, 2025, mem. op. on mot.).

¹⁰⁵ Tex. R. App. P. 24.3(b).

¹⁰⁶ Tex. R. App. P. 24.3(a).

¹⁰⁷ Tex. R. App. P. 24.3(a)(1).

¹⁰⁸ Tex. R. App. P. 24.3(a)(2).

¹⁰⁹ *Stephens v. Three Finger Black Shale P'ship*, No. 11-16-00177-CV, 2017 WL 3495390, at *2 (Tex. App.—Eastland Mar. 23, 2017, order) (per curiam).

enumerated bases within that rule relating to security.¹¹⁰ A court cannot use Rule 24's provision to take other actions.

Another recent change to Rule 24.2 gives the trial court the power to revisit supersedeas after the court of appeals rules on the merits. Rule 24.2(f) permits redetermination of supersedeas amounts when the appellate court reduces the judgment amount (or renders a take-nothing judgment). This allows the judgment debtor to reduce or eliminate the amount required during the time that a case proceeds through rehearing or to the Texas Supreme Court. Courts have not interpreted this provision. While the redetermination seems straightforward where a court of appeals renders a new judgment with a lower amount, the rule does not explain how a trial court should reconsider supersedeas when a portion of the judgment gets remanded. Because the appellate judgment is not final, the trial court does not have the power to alter the judgment. So it isn't clear how far it can go in setting a new supersedeas amount.

D. What happens if the trial court rules against my client?

If you get an unfavorable ruling, whether as the judgment debtor or creditor, review is by motion to the appellate court.¹¹¹ The appellate court has the power to review (1) sufficiency or excessiveness of the amount of security; (2) the sureties on the bond; (3) the type of the security; (4) the determination whether to permit suspension of enforcement; and (5) the trial court's exercise of discretion under 24.3(a).¹¹² Sometimes these issues overlap or don't fit neatly into a particular subsection. But courts of appeals will generally review them if they arguably fall within the areas listed.

Review can come from the conditions as they existed at the time of the trial court's order.¹¹³ But the court of appeals also may consider changes in conditions that occur after the order.¹¹⁴ The court of appeals also has power to issue temporary orders "necessary to preserve the parties' rights."¹¹⁵ That can include an order staying execution.¹¹⁶ It also can protect rights pending discretionary review at the Texas Supreme Court.¹¹⁷

¹¹⁰ *In re Greystar*, 2026 WL 1445481, at *13.

¹¹¹ Tex. R. App. P. 24.4.

¹¹² Tex. R. App. P. 24.4(a).

¹¹³ Tex. R. App. P. 24.4(b).

¹¹⁴ *Id.*

¹¹⁵ Tex. R. App. P. 24.4(c).

¹¹⁶ *Coleman v. Pflugerville Wells Branch, LLC*, No. 03-24-00765-CV, 2025 WL 38245, at *1 (Tex. App.—Austin Jan. 3, 2025, order) (per curiam), *dissolved by* 2025 WL 352186, at *2 (Tex. App.—Austin Jan. 31, 2025, order) (per curiam); *Fuentes v. Zaragoza*, No. 01-16-00251-CV, 2016 WL 3023811, at *1 (Tex. App.—Houston [1st Dist.] May 26, 2016, mem. order).

¹¹⁷ *Begala v. Begala*, 722 S.W.3d 220, 237 (Tex. App.—Houston [1st Dist.] 2025, no pet.).

The court of appeals must hear the motion “at the earliest practicable time.”¹¹⁸ It can increase or decrease security or change the type of security required. It also may make order changes (though what is unspecified).¹¹⁹ If necessary, the court of appeals can remand for factual findings or taking of evidence.¹²⁰

If the appellate court requires additional security, any enforcement is automatically stayed for 20 days after the order.¹²¹ If the debtor fails to comply within that time, the judgment may be enforced. The trial court has to notify the appellate court upon the filing of the additional security.¹²² Unless ordered by the appellate court, the posting of additional security does not release any prior security already posted.¹²³

Review of appellate court orders on supersedeas goes to the Texas Supreme Court through mandamus.¹²⁴ Because the rules authorize mandamus to the Texas Supreme Court, the applicant does not have to show a lack of adequate remedy by appeal—only a clear abuse of discretion.¹²⁵

E. A few practical items.

That’s the rules. But there are a few other issues that are worth considering.

First, costs. There are two main types of costs related to supersedeas: (1) attorneys’ fees and (2) supersedeas costs. The attorneys’ fee portion can get expensive, particularly if the process requires a court order, discovery, and evidentiary hearing. So make sure your client understands that when choosing among the possibilities.

As for bond costs, they can vary based on many factors. But forecast somewhere between 1-3% of the face value of the bond annually for premiums. And if your client has to use a letter of credit to support the bond, the bank will charge separately for that on an annual basis. It can get expensive very fast. In Texas courts, bond premiums don’t get refunded or shifted if the judgment debtor prevails on appeal. In federal court they do. The federal rules expressly permit recovery of bond premiums as a cost.¹²⁶

¹¹⁸ Tex. R. App. P. 24.4(d).

¹¹⁹ *Id.*; *Abadi Grp.*, 2025 WL 3714443, at *8 (remanding to modify injunction).

¹²⁰ Tex. R. App. P. 24.4(d); *Jones v. Heslin*, No. 03-23-00209-CV, 2026 WL 1171411, at *1 (Tex. App.—Austin Apr. 29, 2026, mem. op. and order [mand. filed]) (per curiam).

¹²¹ Tex. R. App. P. 24.4(e).

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Tex. R. App. P. 24.4(a).

¹²⁵ *In re Kay*, 715 S.W.3d at 750 & n.7.

¹²⁶ Fed. R. App. P. 39(f)(3); *City of San Antonio, Tex. v. Hotels.com, L.P.*, 593 U.S. 330, 343 (2021).

Second, timing. There are some stays built into judgment execution timelines for post-judgment motions.¹²⁷ Same for federal.¹²⁸ But in Texas, the stay of execution doesn't prevent other post-judgment actions like discovery, abstracts of judgment, and potential garnishments.¹²⁹ Because the bond underwriting process takes time, start having the client contact potential sureties as quickly as you know that a judgment may happen. This will give the maximum amount of time to get supersedeas in place before judgment enforcement can begin. Further, if the trial court modifies the security required to supersede, it must provide the judgment creditor time to comply. The Supreme Court holds that 20 days is presumptively required to remedy an insufficient bond.¹³⁰ But the court has some discretion to shorten and lengthen it, although it cannot eliminate it entirely.¹³¹

Third, in Texas, if a court of appeals affirms (or modifies and renders) a judgment against the appellant, Texas Rule of Appellate Procedure 43.5 requires the appellate court's judgment to render judgment against the sureties on the supersedeas bond for performance of the judgment.¹³² If the court of appeals omits that from its judgment, consider filing a motion to correct if you're the judgment creditor.

Fourth, after an appeal runs its course, what happens to the supersedeas? In a money judgment, things run pretty smoothly. If the appellant loses and the appellee wants to collect, it can go after the supersedeas or surety and pursue any deficiency against the debtor.

But what if it's a property or "other" judgment? In those cases, the supersedeas covered *potential* damage to the judgment creditor. But no court determined that actual damages occurred.¹³³ Thus, a judgment creditor seeking to have the supersedeas released must provide evidence of damages, which the trial court considers.¹³⁴ An order requiring a party to pay money in excess of what a judgment requires is an appealable order.¹³⁵ And a trial court abuses its discretion by releasing supersedeas funds without holding a hearing.¹³⁶

¹²⁷ Tex. R. Civ. P. 627.

¹²⁸ Fed. R. Civ. P. 62(a).

¹²⁹ Tex. Civ. Prac. & Rem. Code § 63.001(3).

¹³⁰ *In re Greystar*, 2026 WL 1445481, at *13.

¹³¹ *Id.*

¹³² Tex. R. App. P. 43.5.

¹³³ *Haedge v. Cent. Tex. Cattlemen's Ass'n*, 603 S.W.3d 824, 828 (Tex. 2020) (per curiam).

¹³⁴ *See, e.g., Okorie v. Chowdhury*, No. 05-24-01142-CV, 2025 WL 2636555, at *3 (Tex. App.—Dallas Sept. 12, 2025, pet. denied) (mem. op.).

¹³⁵ *McFadin v. Broadway Coffeehouse, LLC*, 539 S.W.3d 278, 285 (Tex. 2018).

¹³⁶ *Standiford v. CitiMortgage, Inc.*, No. 14-20-00725-CV, 2022 WL 2721359, at *4 (Tex. App.—Houston [14th Dist.] July 14, 2022, no pet.) (mem. op.).

CONCLUSION

Supersedeas fights can create satellite trial court and appellate litigation that can dwarf the issues on appeal. But it doesn't have to. Knowing how the rules work and potential costs and trouble spots gives you and your client a significant advantage. If you can save time and money on the front end, you can apply those advantages to the most important part—the merits!