

STEPS FOR EVICTION INFORMATION SHEET

1. An eviction must be filed in the Justice precinct where the rental property is located.
2. Texas Property Code, Sec. 24.005 sets out the notice requirements for eviction suits. (Unless the notice requirements are stated in the signed lease.)
3. The notice to vacate must be in writing and should be unconditional, i.e., it should tell the tenant to vacate by a specific date in no uncertain terms naming each occupant the landlord seeks to evict from the premises.
4. Unless there is an agreement between the parties shortening the notice requirements, the landlord must wait three days after the notice to vacate is served before filing the eviction. Delivery of the notice must be done by one of the following methods (a) Handed to a tenant in person, or anyone living at the premises who is at least 16 yrs old. (b) Mailed to the tenant. If mailed, the landlord must wait an additional two (2) days to allow for the mail to be delivered before filing the eviction. (c) Attaching to the inside of the main entry door.
5. **When filing, the landlord must bring the following:**
 - a. A copy of the lease
 - b. A copy of the notice to vacate
 - c. \$106.00 for filing and service on one person (additional service is \$75.00 per person)
 - d. All work and residence addresses and telephone numbers of the tenant(s) known by the landlord
6. All parties named in the lease should be sued and served with a citation in the eviction proceeding. Any judgment granted will run only against those who are specifically named and served.
7. The owner's agent may file any type of eviction suit and may represent the owner at any default judgment hearing. If the case is contested an agent may represent either party if the case involves non-payment of rent or holding over. The parties or their attorneys must try all other types of evictions if the case is contested.
8. A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the justice court (\$10,000 or less). Charges for items other than rent cannot be joined with suit for eviction.
9. A default judgment can be granted if the tenant fails to answer and/or appear for court after being served.

11. A court date will be set at the time the eviction is filed with the court. This date will appear on the Defendant's citation. Both parties are expected to appear at that date/time. Any continuance request must be in writing, timely and agreed to by all parties.

12. Under the Texas Rules of Civil Procedure, either party to the lawsuit has five days to appeal the courts decision. If neither party appeals, the landlord may obtain a Writ of Possession from the court after the five (5) day period for appeal has passed. The writ fee of \$100.00 is payable to JP court to cause the tenant to vacate the premises. Questions involving the execution of the writ should be directed to the constable's office, in Pct. 2.

We are prohibited by law to answer any questions regarding who you should file on and when or if a notice to vacate should be given. Any legal questions should be forwarded to an attorney.

Court Date: _____ **Time: 10:00 a.m.** **Case No.** _____ I hereby acknowledge the above court date and understand if the Plaintiff fails to appear, the case may be dismissed for want of prosecution. _____ (Please sign and date)

Plaintiff(s) § IN THE JUSTICE COURT

VS § PCT. 2, PL. 1

PALO PINTO COUNTY, TEXAS

§

List ALL Defendants on Lease

PLAINTIFF'S COMPLAINT FOR EVICTION AND SUIT FOR RENT

TO THE HONORABLE JUDGE OF THE COURT:

1. **COMPLAINT:** This suit is brought to regain possession of the premises including storerooms and parking areas located at:

Street Address Unit# City State Zip County

a property located within the jurisdiction of Justice of the Peace, Pct. 5, Palo Pinto County, Texas. Plaintiff and Defendant(s) have established a landlord tenant relationship by: **(check one)**

- a written lease or agreement an oral agreement occupancy after foreclosure sale
 other _____

2. **SERVICE OF CITATION:** Plaintiff requests service of citation of defendant(s) by personal service at home or work or by alternative service under Rule 742, TRCP. If necessary, Plaintiff requests alternative service under Rule 742a. **Defendant(s)**
home address is:

Street Address Unit# City State Zip County

Plaintiff knows only the work addresses listed below.

Defendant _____ works for _____ (Employer's Name)

At: _____ (Defendant's work address)

Street address City State Zip

Defendant _____ works for _____ (Employer's Name)

At: _____ (Defendant's work address)

Street address City State Zip

(initial) Plaintiff knows of no other home or work address of defendant(s) in this county.

3. UNPAID RENT AS GROUNDS FOR EVICTION: Plaintiff entered into a rental agreement with defendant(s) for occupancy of the above described premises,

commencing on _____, _____. Defendant(s) failed to pay the following rental amount, demanded by plaintiff and due _____, _____ (date defendant didn't pay)

Plaintiff (*check one*) does does not seek a judgment for rent.

Rent is due on the ____ day of the (*check one*) Month Week _____ (specify other). The rent is

\$ _____ per Month Week _____ (specify other). The Defendant(s) rent (*check one*) is not

subsidized by the government is subsidized by the government as follows: \$ _____ paid by the government, and \$ _____ paid by the defendant(s).

Back rent in the amount of \$ _____, plus daily rent in the amount of \$ _____ per day beginning ____ day of _____, 20____ as may accrue between the date of filing this complaint and surrender of the leased premises.

4. HOLDOVER AS GROUNDS FOR EVICTION: Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term or renewal of extension period, which was ____ day of _____, 20_____.

5. OTHER GROUNDS FOR EVICTION: Plaintiff's other grounds for eviction of defendant(s) are as follows: _____.

6. NOTICE TO VACATE: Plaintiff has given defendant(s) a written notice to vacate and demand for possession on the ____ day of _____, 20____, such notice was: (*check one*)

Hand delivered in any one of the Defendants named above or, hand delivered to any person 16 years or older residing in the dwelling.

Posted on the inside of the dwelling's main entry door that has a keyless bolting device or keyless deadbolt on it.

Sent by regular mail to the Defendant(s). Sent by certified mail to Defendant(s) Sent by registered mail to the Defendant(s)

7. **FAILURE TO VACATE:** Defendant(s) failed to vacate or comply with the Plaintiff's written demand for possession of the premises.

8. **REQUEST FOR JUDGMENT:** Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of the premises, including removal of defendant(s) and defendants' possessions from the premises; unpaid rent as set forth above; accrued rent from date of filing to date of judgment; court costs; attorney's fees; interest on the above sums at the rate stated in the rental contract, or if not stated, at the statutory rate for judgments under Article 5069-1.05, Vernon's Ann. Civ. St.

Date

Signature of Plaintiff (landlord) or Agent

Address of Plaintiff (landlord) or Agent

The signature to the right is of:

Plaintiff Authorized Agent or

Plaintiff's Attorney

City State Zip

Daytime Phone Number & Cell Number

Said Plaintiff (or his agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of the said affiant, true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, to certify which, witness my official hand and seal of office this ____ day of _____, 20____.

Clerk of the Justice Court or
Notary Public for the State of Texas

Cause Number _____

_____ Vs. _____

Plaintiff

Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me the undersigned notary or clerk of the Justice Court on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury (fine and/or up to one year in jail), stated the following:

My name is _____

I am (check one)

- plaintiff in the above cause
- authorized agent for the plaintiff in the above cause

I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

CHECK OR FILL IN AS APPLICABLE

- The defendant is not in the military
 - Defendant is on active duty in the U.S. Military
 - Defendant has been deployed by the U.S. Military to a foreign country.
 - Plaintiff / Agent for Plaintiff are not able to determine whether defendant is with the U.S. Military.
 - Plaintiff / Agent for Plaintiff are not able to determine whether defendant who is in the U.S. Military has been deployed to a foreign country
 - Defendant has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U.S. Service-Members Civil Relief Act of 2003.
- _____

Signature of Plaintiff / Agent for Plaintiff

Sworn and subscribed before me by _____ on the _____ day of

_____, 20____.

Court Clerk /Notary