

+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. 5.

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.