

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. **\$154.00** for filing and service on one person (additional service is **\$100.00** 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 (\$20,000 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 \$150.00 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.

Justice Court Civil Case Information Sheet (4/13)

Cause Number (for Clerk use ONLY) _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleadings or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:	2. Names of parties in case:
Name: _____ Telephone: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No: _____ Email: _____ Signature: _____	Plaintiff(s): _____ _____ Defendant(s): _____ _____ _____ [Attach additional page as necessary to list ALL parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.

Judge Tisha Bien
 100 SE 6th Ave Ste.103
 Mineral Wells, Texas 76067

Justice of the Peace, Precinct 5, Place 1
 www.co.palo-pinto.tx.us

*Phone 940-659-1272
 Fax1- 866-636-6804*

Case No. _____

Plaintiff(s)/Landlord(s) (Actual Landlord/Property Name)
 Vs.

§ **In the Justice Court**
 § **Precinct 5, Place 1**

List all Defendant(s)/Tenant(s) for which eviction is sought

§ Palo Pinto County
§ State of Texas

Defendant(s) Information (If known):
Date of Birth: _____
Last 4 numbers of Social Security: _____
Last 4 numbers of Driver's License: _____
Phone number: _____

Back Rent IF any \$ _____
Tenant's Portion \$ _____
Total Monthly Rent \$ _____
Amount of Rent per Day \$ _____
Date Rent is due monthly: _____

Address of the property is: Plaintiff (Landlord), being duly sworn on oath, hereby files this written complaint against the above named Defendant(s) for eviction from Plaintiff's premises (including storerooms and parking areas), which is located in Justice of the Peace Precinct 5 of Palo Pinto County.

Defendant's Street Address Unit No. (if any) City State Zip

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, [] occupancy after contract for deed default, [] (other) _____

[] UNPAID RENT AS GROUNDS FOR EVICTION: Defendant(s) failed to pay rent for the following time period(s): _____ . TOTAL DELINQUENT RENT AS OF DATE OF FILING IS: \$ _____

[] 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 the _____ day of _____, 20_____ .

[] OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS: Lease Violations (if other than non-payment of rent - list lease violations) _____

NOTICE TO VACATE: Plaintiff has given defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the _____ day of _____, 20_____ and delivered by this method: _____

ATTORNEY FEES: Plaintiff [] will be or [] will NOT be seeking applicable attorney's fees. Attorney's name and contact information is: _____

Attorney Name Street Address Unit No. (if any) City State Zip Phone Number Fax Number Email Address

REQUEST OF JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and the plaintiff have a judgment against Defendant(s) for: possession of premises, including removal of Defendant(s) possessions from the premises, applicable unpaid rent, attorney's fees, court cost, and post-judgment interest on the above sums at the highest legal rate.

X
Signature Landlord, Landlord's authorized Agent, or Landlord's

SWORN to and SUBSCRIBED before me this

_____ day of _____, 20_____ .

Notary Public or Clerk of the Court

Case Number _____

Plaintiff Vs. Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

<https://scra.dmdc.osd.mil/>

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 or Notary Public