

INSTRUCTIONS AND INFORMATION REGARDING FILING AN EVICTION

Please read carefully!

Eviction Petition:

- Must be typed or printed neatly in blue or black ink.
- List the name(s) of the parties filing the petition, as well as the, tenant(s) on the Lease Agreement; minors and other tenants not listed will apply as "all other occupants" to the Eviction case.
NOTE: One service fee will apply for tenant(s) listed on Lease Agreement.
- State tenant's full address, including apartment number
- Mark the appropriate GROUNDS FOR EVICTION, ensuring time period is indicated, as well as delinquent rent and daily rate, if applied.
- NOTICE TO VACATE – Notice must be no less than 72 hours before filing with the court, 10 days if filing claim against a mobile home that is to be removed from the premise.
- Indicate Attorney fees if applied.
- State tenant's work address or any other address where tenant(s) may be served. Give known phone number(s) of tenant(s) as well.
- Ensure Plaintiff(s) signs all appropriate documents accordingly.

Follow documents are needed to complete the Eviction process:

- **Civil Information Sheet** – Plaintiff must keep the court updated on all contact information.
- **Eviction Petition** – Appropriately filled out best of Plaintiff's knowledge (2pages)
- **Certificate of Last Known Address** – Signed and dated
- **A copy of the Lease Agreement**
- **Copy of Written Notice to Vacate**
- **Military Affidavit/Certificate** – Provide proof the Defendant is/is not in the military
May be located at: <https://scra.dmdc.osd.mil/scra/#/login>
- **Payment** - \$149 money order, cashier check, or exact cash. **NO** personal checks nor law firm check.

Defendant(s) will be served a Citation, along with a copy of Plaintiff's Petition notifying the Defendant(s) that a suit has been filed against them. *There will be a hearing within 21 days from the date of filing.*

The Plaintiff will be notified of the scheduled court date in person, by either mail or e-mail.

If Plaintiff(s) chooses to introduce witnesses to the suit, however, said witness(s) will not appear in court voluntarily, the Plaintiff(s) may ask of the court to subpoena those individuals prior to trial. Allow minimum one week for service of the subpoena. Serving Fee(s) applied (see fee schedule below). Even though the Court will not object to notarized statements from individuals, personal appearance and testimony may be more beneficial to the suit. Hearing date and an agreement has been established between said Plaintiff(s) and Defendant(s), notice of such may be submitted to the Court prior to the Hearing date.

If a Judgment is rendered against the Defendant(s) to vacate the premises evicted as indicated in the suit and Defendant fails to abide by the judgment, the Plaintiff may file the following Writ with the Court:

Writ of Possession: A constable or sheriff may use "reasonable force" in executing the writ by means of placing tenant(s)' personal belongings in a manner that they do not block a sidewalk or street, as well as authorizes the officer, at the officer's discretion, to engage in services of a bonded or insured warehouseman to remove and store part of all of the tenant(s)' personal property, subject to applicable law; at no cost to the Plaintiff/landlord or the officer executing the writ. The officer may not require the Plaintiff/landlord to store the property. May not be issued before the sixth day after the judgment has been signed, unless a possession bond has been filed and approved. Saturdays and Holidays do count in the six allocated days.

JUSTICE COURT CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED: _____
(e.g., John Smith vs Jane Doe)

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 the 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 pleading or other documents as required by law or rule. This sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for Party filing case:	2. Names of Parties in Case:
<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"><div style="width: 45%;"><hr/><div style="text-align: center;">Name</div></div><div style="width: 45%;"><hr/><div style="text-align: center;">Telephone #:</div></div></div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"><div style="width: 45%;"><hr/><div style="text-align: center;">Mailing Address</div></div><div style="width: 45%;"><hr/><div style="text-align: center;">Fax #:</div></div></div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"><div style="width: 25%;"><hr/><div style="text-align: center;">City</div></div><div style="width: 10%;"><hr/><div style="text-align: center;">State</div></div><div style="width: 10%;"><hr/><div style="text-align: center;">Zip</div></div><div style="width: 55%;"><hr/><div style="text-align: center;">State Bar No:</div></div></div> <div style="margin-bottom: 10px;"><hr/><div>Email:</div></div> <div><hr/><div>Signature</div></div>	<div style="margin-bottom: 20px;"><hr/><div>Plaintiff(s) (as will appear on case):</div> <hr/> <hr/></div> <div style="text-align: center; margin-bottom: 20px;">VS</div> <div style="margin-bottom: 20px;"><hr/><div>Defendant(s) (as will appear on case):</div> <hr/> <hr/></div> <div>Attach additional page as necessary to list all parties</div>
3. Indicate case type (select only one):	
<div><hr/>DEBT CLAIM: A <i>debt claim</i> 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.</div>	<div><hr/>EVICTION: An <i>eviction</i> 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.</div>
<div><hr/>REPAIR AND REMEDY: A <i>repair and remedy</i> 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 \$ 20,000, excluding statutory interest and court costs but including attorney fees, if any.</div>	<div><hr/>SMALL CLAIMS: A <i>small claims</i> 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.</div>

PETITION: EVICTION CASE

CAUSE NO. _____

Court Date: _____

PLAINTIFF

v.

DEFENDANT

☐ And all Occupants not listed on lease

§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO. 4

AUSTIN COUNTY, TEXAS

COMPLAINT: Plaintiff hereby sues the following Defendant(s) _____
_____ for eviction of Plaintiff's premises (including storerooms
and parking areas) located in the above precinct. The address of the property is:

Street Address	Unit No. (if any)	City	State	Zip
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Is the dwelling a mobile home or manufactured house? ☐ YES ☐ NO

If YES, is the mobile home or manufactured house owned by: ☐ the Tenant ☐ the Landlord

TO THE HONORABLE JUDGE OF SAID COURT:

This suit is brought to regain possession of the premises located at the above listed address, a property located within the boundaries of Precinct 4, Austin County Texas.

The Owner/Landlord of the premises is _____.

The Tenant gained possession through:

☐ a written lease; ☐ oral rental agreement; ☐ occupancy after a foreclosure; ☐ occupancy as a trespasser

GROUND FOR EVICTION: Plaintiff alleges the following grounds for eviction:

- ☐ **Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____.
Total delinquent rent as of date of filing is: \$_____. Plaintiff reserves the right to orally
amend the amount at trial to include rent due from the date of filing through the date of trial, based at
a rate of \$_____/ per day.
- ☐ **Other:** Lease violations(s), Expenses, or Defendant(s) breached the terms of the lease (other than
non-paid rent) - _____.
- ☐ **Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term
or renewal of extension period, which was the _____ day of _____, 20_____.

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____ in the following manner: ☐ certified mail; ☐ regular mail; ☐ delivered
in person; ☐ attached to the inside of the main entry door and/or attached securely on the outside of the
main entry door.

ATTORNEY'S FEES: Plaintiff ☐ **will be** or ☐ **will not** be seeking applicable attorney's fees, in the amount of \$_____. The Attorney's name, address, phone and fax numbers are:

☐ **IMMEDIATE POSSESSION BOND:** If Plaintiff has filed a bond for immediate possession, Plaintiff requests that: (1) the Court set the amount of the bond; (2) the Court approve the bond; and (3) proper notices, as required by the Texas Rules of Civil Procedure, are given to Defendant(s).

SERVICE OF CITATION: Service is requested on Defendant(s) by: personal service at home, work, or by alternative service as allowed by the Texas justice Court Rules of Court. Or by delivery to a person over the age of 16 years at Defendant's usual place of residence. Other home or work addresses where Defendant(s) may be served are

☐ Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

RELIEF: Plaintiff requests that Defendant(s) is served with the citation and that Plaintiff is awarded a judgment against Defendant(s) for: possession of the premises, including removal of Defendant(s) and Defendant's possessions from the premises, unpaid rent, if set forth above, attorney's fees, court costs, and interest on the above sums at the rate stated in the lease, or if not so stated, at the statutory rate for judgments.

☐ I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____@_____.

Printed Name of Plaintiff / Agent or Attorney

Signature of Plaintiff / Agent or Attorney

Address of Plaintiff / Agent or Attorney:

Address

City

State

Zip

Phone and/or Fax No. of Plaintiff/Agent or Attorney

1. Defendant's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

2. Defendant's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	AUSTIN COUNTY, TEXAS

NOTICE OF DEFENDANT'S LAST KNOWN MAILING ADDRESS

The undersigned certifies that the last known mailing address of the defendant in this case is:

Defendant's Name: _____

Defendant's Last Known Address: _____

City

State

Zip

Respectfully submitted,

(Signature of Plaintiff or Plaintiff's Attorney of Record)

Date

Printed Name: _____

Sworn to and subscribed before me on this _____ day of _____, 20____

Public Notary or Clerk of the Court,

Justice of the Peace, Pct 4 Austin County, Texas

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	AUSTIN COUNTY, TEXAS

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

Instructions: The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/login>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: (*check one*)

- ☐ not in the military
- ☐ not on active duty in the military
- ☐ on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- ☐ has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- ☐ military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

**Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.*