

SHAWNEE BASS  
JUSTICE OF THE PEACE  
ERATH COUNTY, PRECINCT 1

# EVICTIONS

(a) **EVICTION:** An eviction case is a lawsuit brought to recover possession of real property under Chapter 24 of the Texas Property Code, 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 \$10,000, including costs and attorney fees, if any. Eviction cases are governed by Rules 500-507 and 510 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 510 and the rest of Part V, Rule 510 applies.

## **IMPORTANT NOTICE:**

**APPROPRIATE COURTROOM ATTIRE IS REQUIRED.** All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

Donald R. Jones Justice Center, 112 W. College St., Stephenville, TX 76401

(254) 965-1489 – civil clerk

(254) 965-1400 – fax

<http://co.erath.tx.us/jpcourtstephenville.html>

SHAWNEE BASS

JUSTICE OF THE PEACE, PRECINCT 1



**PLEASE READ CAREFULLY BEFORE FILING THE PETITION**

FOR INFORMATION ON THE RULES OF PRACTICE IN JUSTICE COURTS, PLEASE CONSULT PART V OF THE TEXAS RULES OF CIVIL PROCEDURE, WHICH IS AVAILABLE ONLINE AND AT EACH COURT.

*THE FOLLOWING INFORMATION IS FURNISHED TO YOU AS A COURTESY OF THE JUSTICE OF THE PEACE OFFICE FOR FILING EVICTION SUITS. THE COURT CANNOT ADVISE YOU WHAT YOU SHOULD DO AND ARE BARRED BY LAW FROM GIVING YOU LEGAL ADVICE. THE COURT CAN ONLY ANSWER PROCEDURAL QUESTIONS.*

Eviction suits must be filed in the Justice Precinct where the property is located. If you are unsure, please contact the Erath County Tax Office at 254-965-8630. This is a suit for you to regain possession of your property or to combine a suit for rent with this suit. Please print clearly.

- The plaintiff is the owner of the property; if you are acting as agent, the owner is the plaintiff (not you) and you should sign the petition as the agent for the landlord (plaintiff).
- You must name all persons that signed the lease as defendants. All others living at the property can be considered "all other occupants" (ex: "John Doe and all other occupants). If you name more than one person, you will be required to pay a service fee for each person named.
- State tenant's full address, including apartment number (if applicable) and city.
- In order to properly file this suit, you must have given the defendant(s) a written demand to vacate the premises prior to filing your suit. To be sure of the number of days and the valid methods of service required, please refer to Texas Property Code 24.005.
- In order to sue for attorney fees, you must have given the tenant a 10-day written notice which stated that if they did not vacate by the 11<sup>th</sup> day after the date of receipt of the notice, you would be entitled to attorney fees (if employment of counsel is necessary and verified).
- You must also complete the JUSTICE COURT CIVIL CASE INFORMATION SHEET and the MILITARY AFFIDAVIT.
- If you are suing for past due rent and/or attorney's fees the total amount of both added together cannot exceed \$10,000.

The cost for you to have your case filed and the citation served is \$116.00 if only one defendant. Service fee for each additional defendant will be \$75.00. This is a "court cost" that can be included in the judgment if you win your case. If filing in person the day and time of hearing will be written on your receipt. If filing by mail, you will receive notice of hearing by mail, phone call, or e-mail if provided.

Evictions may be dismissed only in open court or by written motion. If the tenant vacates the property and you do not want to come for the hearing and obtain your written judgment, you must submit a written motion for dismissal so the case can be cleared from the court's docket.

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT  
§  
§  
§ PRECINCT NO. 1  
§  
§  
§ ERATH COUNTY, TEXAS

**PETITION: EVICTION CASE**

**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

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

- Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s):  
\_\_\_\_\_. The amount of rent claimed as of the  
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.
- Other lease violations.** Defendant(s) breached the terms of the lease (other  
than by failing to pay rent) as follows: \_\_\_\_\_
- 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\_\_ by this method: \_\_\_\_\_

**SUIT FOR RENT:** Plaintiff  does or  does not include a suit for unpaid rent.

**ATTORNEY'S FEES:** Plaintiff  will be or  will not be seeking applicable attorney's fees.  
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 or work, or by delivery to a person over the age of 16 years at Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. 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 request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Agent or Attorney

**Defendant's Information** (if known):

Date of birth: \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff or Agent or Attorney

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone & Fax No. of Plaintiff  
or Agent or Attorney

**SWORN TO AND SUBSCRIBED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

**Instructions:** The Servicemembers 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 the 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 plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

### Military Status Affidavit

Case No. _____	§	In the Justice Court of
	§	
Plaintiff : _____	§	Erath County, Texas
vs.	§	
	§	Precinct 1, Place 1
Defendant: _____	§	

BEFORE ME, on this day personally appeared, \_\_\_\_\_, who, under penalty of perjury, stated that the following facts are true:

I am the  Plaintiff  attorney of record for the Plaintiff in this proceeding.

- \_\_\_\_\_, Defendant, **is not** in military service.
- \_\_\_\_\_, Defendant, **is** in military service.

I know this because

\_\_\_\_\_  
\_\_\_\_\_  
-

I am unable to determine whether or not the Defendant is in military service because

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
*Signature* *Date*

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF ERATH §

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court

or

\_\_\_\_\_  
Notary Public, State of Texas

# 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)

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Name: _____</div> <div style="width: 45%;">Telephone: _____</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Address: _____</div> <div style="width: 45%;">Fax: _____</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">City/State/Zip: _____</div> <div style="width: 45%;">State Bar No: _____</div> </div> <hr/> <div style="text-align: center;">Email: _____</div> <hr/> <div style="text-align: center;">Signature: _____</div>	<div style="text-align: center; padding-bottom: 10px;">Plaintiff(s):</div> <hr/> <hr/> <div style="text-align: center; padding-top: 10px;">Defendant(s):</div> <hr/> <hr/> <div style="text-align: center; padding-top: 10px;">[Attach additional page as necessary to list all parties]</div>

**3. Indicate case type, or identify the most important issue in the case (*select only 1*):**

<input type="checkbox"/> <b>Debt Claim:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> 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"/> <b>Small Claims:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

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 pleading 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.