

JAMES E POWELL
Justice of the Peace, Pct. 6
22001 FM 457, Sargent, TX 77414
Office 979-245-0358; Fax 979-245-2805; jp6@co.matagorda.tx.us

Instructions and Information for Filing Eviction Cases in Justice Court
PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION

1. A petition for 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 other 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. Delivery of the Notice to Vacate 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 years 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 or outside of the **main** entry door, if placed in an envelope addressed to the Tenant(s) AND boldly states "IMPORTANT INFORMATION" Unless there is an agreement between the parties shortening the Notice requirements, the landlord must wait three (3) days after the Notice to Vacate is delivered before filing the Eviction Petition.
5. **When filing with the Court, the landlord *must* bring the following:**
 - a. **A copy of the lease**
 - b. **A copy of the Notice to Vacate**
 - c. **\$129.00 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 an 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.
8. A case for back rent may be heard 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. Effective September 1, 2020 the jurisdiction of the justice court rate will increase from \$10,000 to \$20,000.00 or less.
9. A Default Judgment may be granted to the landlord if the tenant fails to answer and /or appear at Trial after being served.
10. A court date will be set at the time the eviction petition 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.
11. **PLAINTIFFS AND DEFENDANTS – ALL DOCUMENTS TO PROVE YOUR CASE: EXHIBITS, PICTURES, DISCOVERY & ETC. MUST BE FILED NO LATER THAN THE DAY BEFORE YOUR COURT DATE. COPIES MUST BE PROVIDED TO THE COURT AND TO THE OPPOSING PARTY.**
12. Under the Texas Rules of Civil Procedure, either party to the lawsuit has five (5) days to appeal the Court's 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 of \$130.00 is payable to the JP Court to cause the tenant to Vacate the premises. Questions involving the execution of the Writ of Possession should be directed to the Precinct 6 Constable's office.

NOTE:

DO NOT ASK TO SPEAK TO THE JUDGE. The judge cannot listen to any portion of your case and actually hear the case upon trial. Question(s) should be directed to the clerk and she will discuss the question(s) to the judge.

WE WILL NOT DISCUSS LEGAL QUESTION!

Payments Accepted: Cash (exact amount); Money Order (exact amount); Credit Card in person, by phone or online:
www.certifiedpayments.net / 1-866-539-2020 / Bureau Code 3524311

CAUSE NO. _____

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

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) *(include name, DOB, and DL number, if known)* _____

_____ for eviction from 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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GROUND 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, which was on _____, 20____.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate *(according to Property Code § 24.005)* and demand for possession. Such notice was delivered on the _____, 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): Name: _____

Date of birth: _____

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

SERVICE BY EMAIL: *(Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.)*

Yes, I would like to receive documents related to this case by email at this email address:

No, I do not want to receive any documents by email.

REMOTE PARTICIPATION:

Hearing by Phone Call: *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.
- No, I am not able to have hearings by phone call.

Hearing by Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.
- No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,

Signature of Plaintiff

Signature of Attorney, if any

Printed Name: _____

Printed Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

State Bar No.: _____

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

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT _____

_____ COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

STATE OF TEXAS
COUNTY OF MATAGORDA

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, being by me duly sworn, on oath stated:

I am the Plaintiff/Attorney for Plaintiff in the above – entitled and numbered cause. I am capable to making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct (<https://scra-w.dmdc.osd.mil/scra/#/home>)

_____, Defendant, is not in the military.

Plaintiff's Signature

SUBSCRIBED AND SWORN to be before me this _____ day of _____, _____.

Clerk of the Court or NOTARY