

JASON K. SANDERS
Justice of the Peace, Precinct 1
1700 7th Street, Room 201
Bay City, Texas 77414
Ph. (979) 244-7660/7666 | FAX: (979) 244-7696
jp1@co.matagorda.tx.us

**INSTRUCTIONS AND INFORMATION FOR FILING
EVICTION CASES IN JUSTICE COURT**

PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION

1. Your petition and affidavit must be properly completed and notarized in order to be accepted by our court. They must be printed in ink.
2. Plaintiff must name as defendants, all tenants obligated under the lease and residing at the premises which Plaintiff seeks to evict. No Judgment or Writ of Possession may be issued or executed against a tenant obligated under a lease and residing at the premises who is not named in the petition and served with citation. There is a \$75.00 service fee for each defendant. It is the responsibility of the Plaintiff to file an Eviction Petition in the precinct where the rental property is located.
3. The tenant's full address, including apartment number must be included in the petition.
4. If you are suing for rent or past due rent, the amount you are suing for must be 10,000.00 or less. Each tenant listed on the petition must be personally served. Your Notice to Vacate must include any amount of past due rent you are suing for and the time limit to vacate, in accordance with the lease. If there is not a lease, a minimum of three days is required by law.
5. Filing Fees are payable by money orders, cashier's checks, debit cards and credit cards. Online payments may be made by visiting the Certified Payments website listed below or by calling the toll-free phone number to Certified Payments.
7. Please refer to your court cause number when calling our office to inquire on the status of your cause. The Cause Number will be recorded on your payment receipt.
8. Eviction suits may be dismissed in open court or by the court receiving a letter from the Plaintiff which states they wish to have the case dismissed.
9. A Trial Notice will be sent to the Plaintiff/s by via postal mail, email or fax.
10. Filing fee for an Eviction Suit is \$46.00 + \$75.00 service fee(s) for each defendant listed on the petition. Fee for a Writ of Possession is \$130.00.
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.**

NOTE

DO NOT ASK TO SPEAK TO THE JUDGE. The judge cannot listen to any portion of your case and then actually hear the case upon trial. Any question should be directed to the clerks and if there is a problem, this will be addressed to the Judge by the clerks. **ANY LEGAL QUESTION MAY NOT BE ANSWERED BY THIS COURT.**

SCHEDULE OF FEES FOR JUSTICE COURT CASES

Filing Fees IF the Defendant lives in Matagorda County:

Filing Fee	\$ 46.00
***Service Fee	\$ 75.00
<hr/>	
Total	\$ 121.00

***If the Defendant lives **OUT** of Matagorda County the above Service Fee may differ in another county. Please contact the Sheriff's office in that county and ask for the following information: **Who will serve a Civil Citation from Matagorda County? Get the Constable's, or whoever will serve the citation: Name, Address and Phone. Be sure and ask how much they charge to serve a Civil Citation.**

Other fees that may apply to Justice Court Cases:

Jury Fee	\$ 22.00
Subpoena	\$ 75.00
Abstract of Judgment	\$ 5.00
Writ of Execution	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Garnishment	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Possession	\$130.00 in Matag. Co. (Srv \$125/JPF33 \$5)
Appeal Transcript Fee	\$ 10.00

Out of County Writs: \$5.00 Writ fee to JP1. The clerk will prepare the Writ and then contact the Plaintiff to hire a person qualified to serve the Writ.

Payments accepted:

Cash (exact amount)

Money Order (exact amount)

Credit Card **in person, by phone, or online:**

www.certifiedpayments.net | 1-866-539-2020

Provide the Bureau Code: 7438995

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
v.	§	PRECINCT NO. 1
_____	§	
DEFENDANT	§	MATAGORDA 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 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 approves 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.

DECLARATION FORM: Was a declaration form submitted by the defendant(s)? Yes No

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: _____

Last three digits of Driver License: _____

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

Phone No.: _____

Address of Plaintiff or Agent or Attorney

City State Zip

Phone & Fax No. of Plaintiff
or Agent or Attorney

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

NOTARY

CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO. 1

MATAGORDA 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.dmdc.osd.mil>)”

_____, Defendant, is not in the military.

Plaintiff's Signature

SUBSCRIBED AND SWORN to be before me this _____ day of _____, 20____.

Notary Public
Exp. Comm. _____