

Evictions

Introduction

All eviction suits must be filed in the Justice of the Peace Precinct where the property is located. It is important to understand that the Judge is neither an advocate for the landlord or tenant, and each case is tried on its own individual merit. Court costs in the amount of **\$121.00** (includes constable fee) or **\$46.00** (if private processor used) and are due at the time of filing (additional fees may apply).

If your property is located in Precinct 4, you can file a suit to legally evict someone in this Court. Once the suit is filed, the Judge holds a hearing to determine who has the superior right of possession to the property. By law, you are only allowed to sue for past due rent in an eviction case.

Disclaimer

The information contained in this section is NOT purported to be all inclusive. Neither is it intended to serve as legal advice. You are strongly encouraged to consult the actual law, or consult with an attorney for answers to your questions.

Search [Texas Constitution and Statutes](#) to access Texas law books cited on this page.

Which Precinct Is My Property Located?

The [Matagorda Voter Registration Office 979-244-7670](#) is a helpful tool for determining property location. Justice of the Peace and Constables use this to determine/verify jurisdiction on service addresses.

The Eviction Process

There are basically four steps in the Eviction process:

1. The notice to vacate

If the landlord alleges a tenant is not paying rent, the Landlord is required by law to give the tenant written notice to vacate the premises. This notice can be delivered to the tenant personally with a witness, by certified mail (return receipt requested) or by any other method allowed by law. Unless your lease specifically states otherwise, the law requires you to deliver the written notice, and then wait three days before filing your suit in Justice Court. **This is a legal requirement which must be met and cannot be overlooked.**

2. Filing the Suit

You must file an original petition with the Court and must pay court costs. These court costs pay for filing your suit, your court hearing, and for the Constable to serve the citation. The citation is the notice to the tenant that you are attempting to have them evicted.

3. Going to Court

You must go to Court and prove your case by a preponderance of the evidence. Simply filing a suit does not necessarily mean you will win your suit. You should bring all documents and other evidence with you to Court in a well-organized fashion. At the trial, you will have to present evidence to show that you are entitled to possession of the premises.

4. Writ of Possession

If you have won your suit in Court, and the mandatory five-day appeal period has passed, and the other party is still in the premises, you can file a request for a Writ of Possession in Court. A Writ of Possession is a Court Order to the Constable to place you in possession of the property. The Writ of Possession will cost you an additional fee \$130.00..

Search [Texas Constitution and Statutes](#) related to evictions.

The Texas Property Code, Texas Rules of Court, and Civil Practices and Remedies Codes are books of law. Nothing within this web site should be construed as legal advice. You are always encouraged to consult a law book or speak with your attorney concerning legal issues.

ORIGINAL PETITION EVICTION CASE

Case No. _____

Court Date: _____

(Plaintiff)

JUSTICE OF THE PEACE

Vs

(Defendant)

PRECINCT FOUR

MATAGORDA COUNTY, TEXAS

Defendant (First Name, Last Name) and All Occupants (check if suit includes all occupants)

With suit for Rent

Rental Subside (if any) \$ _____ Tenant's Portion \$ _____ TOTAL MONTHLY RENT \$ _____

COMPLAINT: Plaintiff (Landlord) hereby complains of the Defendant(s) named above for eviction of Plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address _____ Unit No. _____ City _____ State _____ Zip _____

DEFENDANT(S) INFORMATION (if known): Date of Birth: _____ Defendant's phone #: _____
Last 3 numbers of Driver License: _____ Last 3 numbers of Social Security: _____

1-4 Must Be Answered

1. **SERVICE OF CITATION:** Service is requested on Defendant(s) by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the Defendant(s) may be served are: (

Plaintiff does not know of any other work or home address for Defendant in the county where the premises are located.

2. a. **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: \$ _____

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.

b. **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (if other than non-paid rent – list lease violations) _____

c. **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____.

3. **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: _____

4. **ATTORNEY'S FEES:** Plaintiff will be or will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: _____

REQUEST FOR JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and that Plaintiff have judgment against Defendant(s) for: possession of premises, including removal of Defendants and Defendants' 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 rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

I give my consent for the answer and any other motions or pleadings to be sent to my email address which is: _____

Printed Name of Plaintiff /Agent / Attorney _____ Phone Number _____

Signature of Plaintiff / Agent /Attorney (circle one) _____

Address _____

Plaintiff Address if different _____

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

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

_____, Plaintiff

In the Justice Court

vs.

Precinct Four, Place One

_____ ET AL, Defendant

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.

_____, Defendant, is not in the military.

_____, Plaintiff

Signed and sworn to this the ___ day of _____, _____.

Notary Public
Exp. Comm. _____

Or

Court Clerk/Justice of the Peace
Precinct Four, Place One
Matagorda County, Texas