

# EVICCTIONS (for Justice Court)

## NOTICE

Read over your paperwork carefully and complete all forms included in the packet. If you fail to provide ALL of the information required, the case may be dismissed. It is best to have an Attorney, but if you choose to represent yourself, you are responsible for your case.

**Refer to the Self Help Resources for assistance.**

- The Judge and Clerks are prohibited from providing legal advice or assisting in filling out forms.
- **Please refer to [www.AngelinaCounty.net](http://www.AngelinaCounty.net) to access the County Maps link to determine the precinct/office you should file in and that office's hours of operation, hours they accept civil filings, and the methods of payment accepted.**
- If you are a Pro Se Litigant (Not represented by an Attorney), it is your responsibility to be familiar with the laws that govern Evictions. Copies of the **Texas Rules for Civil Procedure** (*Sec. 510 covers Evictions*) and the **Texas Property Code** (*Sec. 24 covers Forcible Detainers/Evictions. Sec. 24.005 covers Notices to Vacate*) are provided in our office for your review during normal business hours. You may also access the links on our website [www.AngelinaCounty.net](http://www.AngelinaCounty.net) under Justice of the Peace, Civil Court page. **The Court CANNOT assist you with your case. Utilize the resources provided.**
- Forms are located on our website under Justice of the Peace, Civil Court Forms. You **must** provide the court with 1 original, 1 copy for your records, and 1 copy per defendant (*if 2 defendants will be served, then you must provide a copy for each of them*) of the petition and all documents supporting the petition.
- The Judge cannot discuss your case outside of the hearing. **Make sure you bring all evidence supporting your case to the hearing.**
- If your suit is settled out of court and you no longer wish to come to your hearing, please file it in writing with the Court. You may use the form for Non Suit located on our website.

### **Court Fees:**

Filing of Petition	\$ 46.00
Writ of Possession	\$ 20.00
	(\$5.00 per page X 4 pages)
Abstract of Judgement	\$ 5.00

### **Constable Fees:**

Service of Citation	\$ 90.00 per defendant
Service of Writ	\$ 90.00

# 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)

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.

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<p>Name: <input style="width: 80%;" type="text"/> Telephone: <input style="width: 20%;" type="text"/></p> <p>Address: <input style="width: 80%;" type="text"/> Fax: <input style="width: 20%;" type="text"/></p> <p>City/State/Zip: <input style="width: 80%;" type="text"/> State Bar No: <input style="width: 20%;" type="text"/></p> <p>Email: <input style="width: 100%;" type="text"/></p> <p>Signature: _____</p>	<p>Plaintiff(s): <input style="width: 100%; height: 50px;" type="text"/></p> <p>Defendant(s): <input style="width: 100%; height: 100px;" type="text"/></p> <p style="font-size: small;">[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case ( <i>select only 1</i> ):	
<p><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.</p>	<p><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.</p>
<p><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.</p>	<p><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.</p>

**PETITION: EVICTION CASE**

CASE NO. (court use only) \_\_\_\_\_

**With suit for Rent**

COURT DATE: \_\_\_\_\_

In the Justice Court, Precinct \_\_\_\_\_, Angelina County, Texas

PLAINTIFF \_\_\_\_\_

(Landlord/Property Name)

Rental Subsidy (if any) \$ \_\_\_\_\_

VS. \_\_\_\_\_

Tenant's Portion \$ \_\_\_\_\_

DEFENDANT(S): \_\_\_\_\_

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. (if any) City State Zip

1. **SERVICE OF CITATION:** Service is requested on defendants 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:

\_\_\_\_\_

2.  **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.*

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

\_\_\_\_\_

4.  **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\_\_\_\_\_.

5. **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 \_\_\_\_\_ and delivered by this method:

\_\_\_\_\_

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

7.  **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

**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: \_\_\_\_\_

\_\_\_\_\_  
Petitioner's Printed Name

\_\_\_\_\_  
Signature of Plaintiff (Landlord/Property Owner) or Agent

**DEFENDANT(S) INFORMATION** (if known):

DATE OF BIRTH: \_\_\_\_\_

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

DEFENDANT'S PHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff (Landlord/Property Owner) or Agent

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

\_\_\_\_\_  
Phone & Fax No. of Plaintiff (Landlord/Property Owner) or agent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Cause No. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
Plaintiff(s)	§	
Vs.	§	PRECINCT _____
_____	§	
Defendant(s)	§	ANGELINA COUNTY, TEXAS

**CERTIFICATE OF LAST KNOWN MAILING ADDRESS**

I, \_\_\_\_\_, the undersigned, does hereby certify that the last known address of the Defendant(s) is as follows:

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Certified to by,

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Case No: \_\_\_\_\_  
(Print court information exactly as it appears on your Petition)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Justice Court Precinct \_\_\_\_\_  
Angelina County, Texas

### Military Status Affidavit

State of Texas, County of \_\_\_\_\_  
(Print the name of county where this Affidavit is notarized)

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

1. "My name is: \_\_\_\_\_  
*First Middle Last*
2. "The Respondent's name is: \_\_\_\_\_  
*First Middle Last*
3. "I am the Petitioner in this case. I am an adult and of sound mind. I have personal knowledge of the facts stated in this affidavit. "The facts stated in this affidavit are true and correct.

(Check all boxes that apply)


"I know that the Respondent is **not** in the military because I asked the U.S. Department of Defense to check their Defense Manpower Data Center (DMDC) database. DMDC notified me that the Respondent is not on active duty in any of the armed forces.

"I attached a true copy of the DMDC verification. (If you check this box, you **must** attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>.)

"I know that the Respondent is **not** now in the military because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

"I do not know if the Respondent is in the military now.

**! Do not sign until you are in front of a notary !**

 \_\_\_\_\_  
Signature of Person Signing Affidavit Date

**Notary fills out below.**

State of Texas, County of \_\_\_\_\_

Sworn to and subscribed before me, the undersigned notary, on (date) \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

by \_\_\_\_\_  
(Print name of person who is signing this Affidavit, NOT the notary's name.)  \_\_\_\_\_  
Notary's Signature

## NOTICE OF SELF-HELP RESOURCES

The Texas Rules for Civil Procedure and the Texas Property Code are kept for your viewing during normal business hours and are available on our website at [www.AngelinaCounty.net](http://www.AngelinaCounty.net)

Angelina County – [www.angelinacounty.net](http://www.angelinacounty.net)

Department of Defense Official Servicemembers Civil Relief Act (SCRA) Website - [www.dmdc.osd.mil](http://www.dmdc.osd.mil)

Texas Constitution and Statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us)

This site provides complete access to all Texas Codes

Texas Secretary of State: [www.sos.state.tx.us/corp/publicinfo.shtml](http://www.sos.state.tx.us/corp/publicinfo.shtml)

Texas Legislature Online: [www.legis.state.tx.us](http://www.legis.state.tx.us)

This site allows the user to track past and pending House and Senate Bills

Call The State Bar of Texas Toll-Free at 1-877-9TEXBAR if you need help locating an attorney, you may be eligible for free or low-cost legal assistance or by website [www.texasbar.com](http://www.texasbar.com)

Legal Services Corporation - [www.lsc.gov](http://www.lsc.gov)

The State Law Library – [www.sll.texas.gov](http://www.sll.texas.gov)

TexasLawHelp.org is a website where low-income Texans can find information about their civil legal issues and find out about free legal assistance in their area. [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

The Office of Court Administration – [www.TXCourts.org](http://www.TXCourts.org)

This website is funded in part by a grant from the Legal Services Corporation. It is the result of a partnership between Lone Star Legal Aide, the Texas Office of Court Administration, Texas Legal Services Center, and the Texas Access to Justice Commission. [www.TexasCourHelp.org](http://www.TexasCourHelp.org)

Lone Star Legal Aid Library – 800-354-1889  
414 East Pillar St. – Nacogdoches, TX 75961-5511

Kurth Memorial Library: [www.kurthmemorallibrary.com](http://www.kurthmemorallibrary.com)

Address: 706 S. Raquet St. .. Lufkin, TX 75904 -- Phone: 936-630-0560

Kurth Memorial Library is open 10am to 7pm on Mondays, 9am to 6pm Tuesday through Thursday, 9am to 5:30 on Friday, and 9am to 1pm on Saturdays.