

EVICTIONS (for Justice Court)

TRCP Part V § 510 covers Evictions

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. This Court does not accept cash or credit/debit card for civil filings. Payment must be made with a check or money order.

- Please refer to 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 on our website www.AngelinaCounty.net under Justice of the Peace, Landlord/Tenant page. **The Court CANNOT assist you with your case. Utilize the resources provided.**
- 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. **Evidence for your case should be provided at the time of filing and a copy of everything filed with the Court should also be provided for the other parties in the case.** Failure to provide a copy for all parties in suit will result in additional charges for copies made by the Court.
- 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	\$ 54.00
Writ of Possession (after Judgment)	\$ 20.00 (\$5.00 per page X 4 pages)

Constable Fees:

Service of Citation	\$ 100.00 per defendant
Service of Writ	\$ 150.00

Cause No. _____

Court Date: _____ AT _____

PETITION: EVICTION CASE

Plaintiff(s) _____
(Property Owner or Property Name)

§
§
§
§

In the Justice Court

Vs.
Defendant(s) _____

Precinct _____

Angelina County, Texas

And all Occupants

COMPLAINT: Plaintiff hereby sues the following Defendant(s) for eviction from Plaintiff's premises (including storerooms and parking areas) located in the above precinct.

Defendant(s) Information:

Defendant Name: _____
Defendant DOB: _____
Defendant SSN (Last 3 digits) _____ Defendant DL (Last 3 digits) _____
Defendant Phone: _____
Defendant Email: _____

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:

Suit for rent. Monthly rent due: Total Monthly Rent: \$_____ Tenant Portion \$_____
Subsidy (if any) \$_____ Defendant(s) failed to pay rent for the following time period(s):
_____. The amount of unpaid
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.

Defendant **has** or **has not** been late/delinquent in paying rent before the month(s) in which this
Notice was Given.

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
periodic tenancy, which ended on _____, 20_____.

Squatter. Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on _____, 20_____.

Plaintiff **has** or **has not** attached a Motion for Summary Disposition under Rule 510.10.

Expiration of Tenancy at Will or by Sufferance. Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and a demand to surrender possession given on _____, 20_____.

PRE-SUIT NOTICE: Plaintiff has served Defendant(s) a **notice to vacate** **notice to pay or vacate** (according to Property Code § 24.005(f-3) or (f-4)) and demand for possession. Such notice was **delivered on** _____, 20_____ **by this method:** _____

ATTORNEY'S FEES: Plaintiff **will** be or **will not** be seeking applicable attorney's fees. The attorney's name, address, phone/fax numbers and email address 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. Home or work addresses other than the premises 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 if applicable, 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.

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 Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, 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

Printed Name:

Address: _____

Email: _____

Telephone: _____

Fax: _____

Signature of Agent or Attorney, if any

Printed Name:

Address: _____

Email: _____

Telephone: _____

Fax: _____

State Bar No.: _____

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

CLERK OF THE JUSTICE COURT OR NOTARY

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

Cause Number: _____

In the _____
Court Number

- District Court
- County Court at Law
- Justice Court

County Name County, Texas

Military Status Declaration

(Check only one)

I am signing this affidavit in front of a notary public.
DO NOT SIGN THIS DOCUMENT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.

I am signing this document **under penalty of perjury** under Texas Penal Code 37.02 and 37.03—that is, I am signing it knowing that it is a crime if, with intent to deceive and with knowledge of the statement's meaning, I make a false unsworn declaration.

1. "My name is: _____
First Middle Last

2. "I am the Petitioner in this case.

3. "I am at least 18 years old.

4. "I am of sound mind.

5. "I have personal knowledge of the facts stated in this declaration.

6. "The facts stated in this declaration are true and correct.

7. "I understand that if I make or use a military status affidavit or declaration, knowing it to be false, I may be fined, imprisoned for not more than one year, or both. See 50 U.S.C. App. Section 521(c).

8. "The Respondent's name is: _____
First Middle Last

9. "The Respondent's military status is:

Check all boxes that describe your situation.

The Respondent is in the military now.

I know the Respondent is **not** in the military now because I searched the U.S. Department of Defense's Defense Manpower Data Center (DMDC) database. According to the results of the search of the DMDC database, Respondent is not on active duty in any of the armed forces. I have attached a true copy of the DMDC verification.

(If you check the box above, you must attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address:
<https://scra.dmdc.osd.mil/scra/>.

I know the Respondent is **not** in the military now because: _____

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

Signature

If you **DO NOT** have access to notary public services, sign below.

My name is _____ . My date of birth is _____ .

My address is _____
street city state ZIP country

I declare **under penalty of perjury** that all information in this Military Status Declaration is true and correct.

Signed in _____ County, _____ (state),

on this date: _____ / _____ / _____
Month/ Day/ Year/

▶ _____
Your Signature

WARNING: Under Texas Civil Practice and Remedies Code 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above. Perjury is a crime in Texas. See Texas Penal Code 37.02 and 37.03.

If you **DO** have access to notary public services, sign below—but not until you are in front of a notary public.

Petitioner's signature

Notary fills out below

State of Texas,

County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned Notary, on date: _____

by _____
(Print the first and last names of the person signing this affidavit.)

I, the Notary Public, whose signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

▶ _____
Notary's signature

HOW CAN I VERIFY IF SOMEONE IS IN THE MILITARY

1. Please **use the Defense Manpower Data Center's (DMDC) Military Verification Service** to verify if someone is in the military. The website will tell you if the person is currently serving in the military. This will require defendant's date of birth or Social Security number. The site is available 24-hours a day.

2. **What if the Plaintiff does not have a computer ?**

The Plaintiff may request a manual search by mail using the defendant's name and date of birth or Social Security number. Send a request with a self-addressed stamped envelope to:

**Defense Manpower Data Center
Attn: Military Verification
1600 Wilson Blvd. Suite 400
Arlington, Virginia 22209-2593**

3. **What if the Plaintiff does not have the defendant's social security number and/or a date of birth ?**

The Plaintiff must file a Military Affidavit which contains a factual basis upon which the court may reasonably conclude that the defendant is or is not a member of the military service. Simply writing "**I have never seen the defendant in a military uniform,**" or "**the defendant never mentioned that he is a military service member.**" The court will not consider these statements. Some factors the court may consider if articulated are:

- a. Whether the defendant has recently been asked if they are a member of the military.
- b. Whether an inquiry has been made of a resident (name required) of the same household who is (an adult 18 or older) as to the defendant's military status.
- c. Whether the defendant's spouse has been asked about the defendant's military status.
- d. Whether a neighbor (name required) has been asked about the defendant's military status.

NOTICE OF SELF-HELP RESOURCES

Pursuant to Government Code § 51.808

Forms are located on our website at <https://www.angelinacounty.net/jp1/>
Click on **Civil Court** or **Traffic Court** or **Landlord – Tenant Court**.

For **Case Status** and other case information, visit the Judicial Records Search at <http://public.angelinacounty.net/default.aspx> Search by your name or case/cause number.

- ❖ 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
- ❖ **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
- ❖ **Texas Justice Court Training Center** Self Represented Litigants: <https://www.tjctc.org/SRL.html>
- ❖ **Texas Court Help** is a website 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.TexasCourtHelp.gov
- ❖ **Lone Star Legal Aid** – 800-354-1889 - 414 East Pillar St. – Nacogdoches, TX 75961-5511
- ❖ **Kurth Memorial Library:** www.kurthmemoriallibrary.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.
- ❖ **Department of Defense** Official Servicemembers Civil Relief Act (SCRA) Website - <https://scra.dmdc.osd.mil/scra/#/home>

OTHER HELPFUL RESOURCES

- The Office of Court Administration – www.TXCourts.gov
- Texas Constitution and Statutes: 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
- Texas Legislature Online: www.legis.state.tx.us - This site allows the user to track past and pending House and Senate Bills
- Legal Services Corporation - www.lsc.gov
- The State Law Library – www.sll.texas.gov