

**PETITION: EVICTION CASE**

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

With suit for Rent

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

In the Justice Court, Precinct \_\_\_\_\_, \_\_\_\_\_ 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):

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

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

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

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

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

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

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

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

## JUSTICE COURT CIVIL CASE INFORMATION SHEET(2/13)

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED: \_\_\_\_\_

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:	
Name: _____	Telephone: _____	Plaintiff(s): _____	
Address: _____	Fax: _____	_____	
City/State/Zip: _____	State Bar No: _____	Defendant(s): _____	
Email: _____		_____	
Signature: _____		[attach additional page as necessary to list all parties]	
_____		_____	
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<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 in damages, excluding statutory interest and court costs but including attorney fees, if any.	<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, including costs and attorney fees, if any.		
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit brought to seek judicial remedy for the alleged failure of a landlord to remedy or repair a condition as required by Chapter 92 of the Texas Property Code. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs, but including attorney fees, if any.	<input type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, or personal property. The claim can be for no more than \$10,000 excluding statutory interest and court costs but including attorney fees, if any.		

NO. \_\_\_\_\_

IN THE JUSTICE COURT

PRECINCT 4

RUSK COUNTY, TEXAS

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

§  
§  
§  
§  
§

**SERVICE MEMBERS CIVIL RELIEF ACT AFFIDAVIT  
STATE OF TEXAS  
RUSK COUNTY**

BEFORE ME, the undersigned authority personally appeared the below-named affiant, who upon oath deposed and stated:

- 1. I am over the age of eighteen (18) years and am competent to make this affidavit. I am the
  - Plaintiff
  - Plaintiff's Agent

In the above-entitled and numbered matter.

- 2. I have
  - made a personal investigation
  - personally reviewed the business records of the Plaintiff
- 3. As a result of the investigation or review, it is my belief that the above-named defendant
  - is not in the military service on active duty, and is not a dependant of a service member on active duty
  - is in the military service on active duty
  - I have been unable to determine whether or not the defendant is in the military service on active duty
- 4. I understand that any false statements in this document are made under penalty of perjury, and that making a false statement is a violation of Federal Law and is subject to both fine and imprisonment.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, Court Clerk