



EVICTIIONS

Tom Green County
Justice of the Peace Precinct Two
5006 Knickerbocker Road
San Angelo, TX 76904
(325) 949-2415
Fax (325)949-5706

JUSTICE COURT PCT. 2 OF TOM GREEN COUNTY, TEXAS
5006 KNICKERBOCKER RD., SAN ANGELO, TX 76904

Honorable
Thomas Daniel
Justice of the Peace
325-949-2415

Information/ instructions for filing an eviction suit. Please **read** carefully before completing the petition.

Please note: effective august 31, 2013 all civil suits in the justice courts will be governed by new rules of civil procedure for justice court cases adopted by the supreme court of Texas. To review the new rules of print a copy please visit the tom green county website at www.tomgreencountytx.gov. It is highly recommended that you review the new rules prior to filing your case.

TO REWEALL THE TEXAS RULES OF CIVIL PROCEDURE AND RULES OF EVIDENCE PLEASE USE THE FOLLOWING

LINK TO THE SUPREME COURT OF TEXAS [http:// www.supreme.courts.state.tx.us/ rules/ rules.asp](http://www.supreme.courts.state.tx.us/rules/rules.asp)

Court personnel are prohibited from telling you which precinct your address is located in. You may contact the tom green county elections office at 113w. Beauregard, 325-659-6541 to determine which precinct the property is located. Court personnel are prohibited in giving "legal advice" although an attorney is not required, you may wish to consult as attorney.

Prior to filing suit, the landlord must leave a proper vacate notice, in compliance with section 24;005, Texas property code, to each person signing the lease.

COMPLETING YOUR PETITION:

Chapter 24, Texas property code requires that an eviction suit must be filed in the county and precinct where the property is located. If an eviction suit is not filed in the appropriate precinct, the case will be dismissed.

The petition must be fully completed and typed or printed neatly in ink. A service (physical) address as well as a mailing address is required for all properties including rural properties and mobile homes/trailer parks.

The attached petition covers all causes of action in an eviction suit such as owner wants possession, suits for back rent, and breach of lease by tenant.

An eviction suit may be joined with a suit for back rent only. The amount actually owed must be \$20,000.00 or less. No late fees or damages to the property may be included. For those actions as for justice court small claims case information.

WHAT MUST BE FILED:

ONE ORIGINAL PETITION
ONE ORIGINAL NOTICE TO VACATE SERVED TO TENTANT(S)
ONE MILITARY AFFIDAVIT
ONE MILITARY STATUS REPORT
ACKNOWLEDGMENT OF MULTIPLE DEFENDANTS PAGE
ONE JUSTICE COURT CASE INFORMATION SHEET
ONE SERVICE INFORMATION SHEET

Always keep track of your case numbers so that you can refer to them when calling our office regarding your case. The case number will be on your receipt.

As plaintiff, if you no longer wish to pursue your case you must notify the court in writing as soon as possible and at least one day prior to the day of trial and to avoid the sheriff or constable attempting service to those where service is not necessary. The fax number for the court is 325-949-5706.

Discovery: any and all pretrial/ prejudgment discovery must be approved by the court Please refer to section 500.9 Of the new rules.

Rule 501.4 requires you, as plaintiff or defendant, to serve the other party with anything filed with the court in the manner prescribed by this rule.

Should you be granted possession of the property, and the defendant fails to move or fails to appeal to the county court within 5 days, you may request a writ of possession ordering the defendant to move. The writ may be requested (in writing) at the beginning of the 6th day following the date judgment was signed by the judge.

This court does not collect the money judgment for you, nor can we force an indigent defendant to pay the judgment. If you receive a judgment against the defendant, this court can issue various instruments to assist you in collecting the judgment. **IT IS RECOMMENDED THAT YOU CONSULT WITH AN ATTORNEY FOR THESE PROCESSES.** You may request an abstract of judgment, writ of execution, writ of garnishment and turnover order.

-An abstract of judgment puts a lien on any real property the defendant may own in a particular county where the abstracts are recorded. The abstract is only valid in the county or counties where it is recorded: This can be obtained 10 days after the judgment is signed.

The writ of execution may be obtained thirty days after judgment is signed. This document will authorize the sheriff or constable to seize any assets belonging to the defendant that are subject to this writ. Those assets are then auctioned at a public sale and the proceeds are applied to the judgment.

A writ of garnishment is also available 30 days after the final judgment has been signed. This garnishment proceeding is a separate small claims suit. A writ of garnishment is a process for seizing assets, both money and property, held by a third party (the garnishee) but owned or belonging to the debtor. For example, a defendant against whom a judgment has been issued (the judgment debtor) may have a bank account. The bank holds the money in the account, but the money belongs to the defendant. The bank is therefore indebted to the defendant. A writ of garnishment is the legal process by which the plaintiff (garnisher) can require the bank (garnishee) to turn over the money in the account to satisfy the judgment. **AN ATTORNEY IS REQUIRED.**

FEE SCHEDULE FOR EVICTION SUITS: (MONEY ORDERS, CORRECT AMOUNT OF CASH, CASHIER'S CHECK OR CREDIT/DEBIT CARD ACCEPTED)

	COURT FEES	SERVICE FEES	TOTAL
FILING FEE DEFENDANT IN TOM GREEN CO.	\$54.00	\$85.00	\$139.00
2 DEFENDANTS (SAME CASE)	\$54.00	\$170.00	\$224.00
JURY FEE	\$22.00		

(Request for jury must be made and fee paid no later than 14 days before the case is set for trial. If not timely made, the right to a jury trial is waived.)

	COURT FEES	SERVICE FEES	TOTAL
ABSTRACT OF JUDGMENT	\$5.00		\$5.00
WRIT OF POSSESSION	\$5.00	\$200.00	\$205.00
WRIT OF EXECUTION	\$5.00	\$200.00	\$205.00
SUBPOENA	CONTACT THE COURT		
WRIT OF GARNISHMENT	\$59.00	\$200.00	\$259.00
TURNOVER ORDER	\$5.00	\$200.00	\$205.00
WRIT OF POSSESSION FOR MOTOR, MOBILE OR MANUFACTURED HOME	\$5.00	\$500.00	\$505.00
(REQUIRES REMOVAL OF THE HOME FROM PREMISES)			

LEGAL VACATE NOTICE
(3 days)

OWNERS NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____

DATE SERVED: _____

TO: _____ AND ALL OTHER OCCUPANTS
(All persons intended to be evicted should be listed by name if known)

Being entitled to possession of the following described real estate and premises, I hereby demand possession of the same from you: to-wit (full address of premises)

Suit for eviction will be filed unless the premises rented to you are vacated with (3) days from delivery of this notice.

SIGNATURE (Owner/Agent)

Print Signature from above

WITNESS

Date Witnessed

LEGAL VACATE NOTICE
(30 days)

OWNERS NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____

DATE SERVED: _____

TO: _____ AND ALL OTHER OCCUPANTS

(ALL PERSONS INTENDED TO BE EVICTED SHOULD BE LISTED BY NAME IF KNOWN)

Being entitled to possession of the following described real estate and premises, I hereby demand possession of the same from you, to-wit: (full address of premises)

Suit for eviction will be filed unless the premises rented to you are vacated with **(30)** days from delivery of this notice.

SIGNATURE (Owner/Agent)

Print Signature from above

WITNESS

Date Witnessed

PETITION: EVICTION CASE

CASE NO. {court use only} _____

with suit for Rent

COURT DATE: _____ TIME: _____

In the Justice Court, Precinct 2, Tom Green County, Texas

PLAINTIFF _____

(Landlord/Property Name)

Street Address _____ City _____ State _____ Zip _____

Phone Number _____

VS.

DEFENDANT(S): _____

Phone Number _____

Street Address _____ City _____ State _____ Zip _____

DEFENDANT(S) INFORMATION {if known}:

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

TOTAL MONTHLY RENT \$ _____

*DATE OF BIRTH: _____

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:

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 defendant 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 rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

I give my consent or 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

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

MILITARY AFFIDAVIT
SEC. 201 (b)

Docket No. _____

Plaintiff being duly sworn on oath deposes and says that

defendant(s): is not in the military

not on active duty in the military and/or

not in a foreign country on military service

is on active military duty and/or is subject to the Service members Civil Relief Act of 2003 .

military status is unknown at this time

PLAINTIFF

(Select the applicable title for the jurat below)

Subscribed and sworn to before me on this the _____ day of _____, 20_____

NOTARY PUBLIC IN AND FOR THE STATE OF
TEXAS / CLERK OF THE JUSTICE COURT

Penalty for making or using false affidavit - a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

In addition to the above information, the Service members' Civil Relief Act has become law. The legislation, passed by Congress and signed by the President, took effect immediately when it was signed on December 19, 2003.

When filing any Civil Suits this form must be filled out and accompany the complaint upon filing. The fees remain the same. To determine if a person is in military service, you may access the Defense Department's website at: <https://www.dmde.osd.mil/scra/owa/home>.

JUSTICE COURT CIVIL CASE INFORMATION SHEET

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.

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p>	
<p><input type="checkbox"/> Debt Claim: 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"/> Eviction: 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"/> Repair and Remedy: 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"/> Small Claims: 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>

MULTIPLE DEFENDANTS

In Case of Multiple Defendants Only – Must be Signed by Plaintiff

I, Plaintiff, _____, am aware that pursuant to Texas Rules of Civil Procedure, 510.3(c) "...that if the eviction is based on a written lease, then plaintiff must name as defendants all tenants obligated under the lease residing at the premises whom the plaintiff seeks to evict." A judgment or writ of possession may not 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 a citation. So a plaintiff may not avoid paying more than one service fee by trying to sue multiple tenants for eviction; each tenant on the lease must be sued and served with citation.

I, Plaintiff, _____, understand that only the persons that are individually served a citation naming them will be removed from the premises. With this understanding, I wish to:

_____ Have a citation issued to all named Defendants and pay appropriate fees for service.
(Initial)

_____ Have only the Defendant (name) _____ served and pay
(Initial) the appropriate fee for service. (Choosing this option will remove the named Defendant only, from the property.)

Plaintiff's Signature

Date

Plaintiff's Signature

Date

SERVICE INFORMATION SHEET

PLEASE COMPLETE THIS INFORMATION TO EXPIDITE SERVICE OF YOUR PAPERS.

PLAINTIFF NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

Number at which you can be reached or can leave a message: _____

DEFENDANT NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

MAIL ADDRESS IF DIFFERENT: _____

TYPE OF RESIDENCE: _____

Description of residence and any special direction:

