

Eviction Suits

1. Evictions must be filed in the precinct where the property is located. Contact the Milam County Elections Office at 254-697-7049 to find the correct precinct for the property. The Justice of the Peace office will not provide this information.
2. FEES: \$181 (\$46 in court costs and \$135 for the Constable fee.) The Justice Court Precinct 1 only accepts money orders or cashier's checks.
3. EVICTION NOTICE: [Texas Property Code, Sec. 24.005](#) sets out the notice requirements for eviction suits. (Unless the notice requirements are stated in the signed lease.) The notice to vacate must be in writing and should be unconditional, i.e., it should tell the tenant to vacate by a specific date in no uncertain terms. Unless there is an agreement between the parties shortening the notice requirements, the landlord must wait three days after the notice to vacate is served before filing the eviction. The person who delivered the eviction notice must be present for court to testify if the defendant contests the case on the grounds that no notice was received.
4. FORMS: The plaintiff, party that is filing the eviction, must fill out an eviction packet that contains the Justice Court Civil Case Information Sheet and Petition: Eviction Case. Bring these forms and the filing fee to the court for filing.

a. Justice Court Case Information Sheet

Block 1. Contact Information

Block 2. Plaintiff – Name of the Landlord/Agent

Defendant – Name/s of the individual/s being evicted.

Block 3. Check the Eviction Block and read over the claim information.

PETITION: EVICTION CASE

CASE NO.-Will be entered by the JP Clerk

COURT DATE: Will be entered by the JP Clerk

Read the acknowledgement statement and initial and date by the X.

PLAINTIFF- Name of Landlord or Agent

DEFENDANT-Name of individual/s being evicted

SUBSIDY

Rental Subsidy-Amount paid by HUD, Section 8, Rural Development
Tenants Portion-Amount paid by Tenant
Total

COMPLAINT: Address of the property

1. SERVICE OF CITATION – Enter the address of where the defendant lives and works. The Constable will use these to serve the citation.
2. UNPAID RENT AS GROUNDS FOR EVICTION- Check this block if defendant is being evicted for not paying rent. Enter dates rent wasn't paid and total delinquent rent amount
3. OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS- Check this block if this is the ground for eviction.
4. HOLDOVER AS GROUNDS FOR EVICTION/LEASE VIOLATION-Check this block if the tenant is being evicted for staying in the property after the rental period is over or after the renewal of extension period
5. NOTICE TO VACATE-Enter the date and how the Notice to Vacate was delivered.
6. ATTORNEY'S FEES-Check whether or not you are claiming attorney fees. If you are, include the amount and attorney information
7. THE ABOVE-NAMED DEFENDANT(S)-This is a Military Affidavit – It is mandatory that you provide proof that the defendant is not in the military. You can research the military status on this website <https://scra-w.dmdc.osd.mil/scra/#/home> . It will provide you with a signed form.
8. REQUEST FOR JUDGMENT-Read, initial, and provide email address
9. PETITIONER'S PRINTED NAME-Name of individual completing this form
- 10.DEFENDANT(S) INFORMATION- Self Explanatory
- 11.LANDLORD/PLAINTIFF INFORMATION-Self Explanatory

ACTIONS THAT WILL TAKE PLACE AFTER THE EVICTION IS FILED.

1. A citation will be issued and given to the Constable for service.
2. A court date will be set that is no less than 10 days and no more than 21 days from the date of filing. (Texas Rules of Civil Procedure Rule 510.4(a)(10).

3. The Plaintiff will be responsible for providing the following information in court:
 - a. Date the lease or rental agreement began and a copy of the lease
 - b. Term of lease including rent per month and date rent is due.
 - c. Reason for eviction
 - i. Amount of unpaid back rent that is due and any payment records. Do not include any other costs such as utilities.
 - d. Date the proper written notice was given to the tenant.
4. If back rent is accepted after your suit is filed, be sure the tenant is informed that you are going ahead and prosecuting the eviction suit.
5. The Court does not collect any funds for the plaintiff if they receive a judgment.
6. The tenant has 5 days to appeal after a judgment for possession. The plaintiff can file for a writ of possession on the 6th day to claim the property if it hasn't been vacated. A Writ of Possession costs \$181 and gives the Constable the authority to oversee the removal of the tenant and tenant's property from the premises.

PETITION: EVICTION CASE

CASE NO. (court use only) _____ COURT DATE: _____ @ _____ a.m.
I hereby acknowledge the above court date and understand if the Plaintiff fails to appear, the case may be Dismissed for Want of Prosecution.
X _____ (please initial and date)

In the Justice Court, Precinct 1, Milam County, Texas

PLAINTIFF _____

(Landlord/Property Name)

VS.

DEFENDANT(S): _____

Rental Subsidy (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. (If any)	City	State	Zip
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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:

☐ Certified Mail ☐ Regular Mail ☐ Delivery in Person ☐ Attach to inside of main entry door ☐ Other: _____

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. **THE ABOVE-NAMED DEFENDANT(S)**

- ☐ is/are not in the military service on active duty, and is not a dependent of a service member on active duty.
☐ is/are in the military service on active duty or a dependent of a service member on active duty.
☐ I have been unable to determine whether or not the defendant(s) is/are in the military service on active duty.

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_____.

CLERK OF THE JUSTICE COURT OR NOTARY