



**B. WAYNE HAYES
JUSTICE OF THE PEACE
PRECINCT ONE**

EVICTION

- **EVICTION CASE:** 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.

IMPORTANT NOTICE:

APPROPRIATE COURTROOM ATTIRE IS REQUIRED. All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings. No shorts, tank tops, flip flops, hats, etc. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

B. WAYNE HAYES
JUSTICE OF THE PEACE, PRECINCT ONE



READ CAREFULLY BEFORE FILING THE PETITION

The following information is furnished to you as a courtesy of the Justice of the Peace office for filing eviction suits. The Court cannot advise you what you should do and are barred by law from giving you legal advice. The Court can only answer procedural questions.

Eviction suits must be filed in the Justice Precinct where the property is located. If you are unsure, please contact 911 addressing in Parker County at 817-598-6135. This is a suit for you to regain possession of your property or to combine a suit for rent with this suit. Please print clearly and press firmly.

- The plaintiff is the owner of the property. If you are acting as agent, the owner is the plaintiff (not you) and you should sign the petition as the agent for the landlord (plaintiff). **Agents must provide a signed notarized statement from the landlord designating you as agent.**
- You must name all persons that signed your lease as defendants. All others living at the property can be considered “all other occupants” (ex: “John Doe and all other occupants”). If you name more than one person, you will be required to pay a service fee for each person named.
- State tenant’s full address, including apartment number (if applicable) and city.
- In order to sue for attorney’s fees, you must have given the tenant a 10-day written notice which stated that if they did not vacate by the 11th day after the date of receipt of the notice, you would be entitled to attorney’s fees (if employment of counsel is necessary and verified). If you are suing for past due rent and/or attorney’s fees the total amount of both added together cannot exceed \$10,000.
- You must also complete the Civil Information Sheet and Affidavit of Military Status of Defendant and submit to the court with your petition.

In order to properly file this suit, you must have given the defendant a **written demand to vacate the premises**. The general rule for the notice period if the defendant is past due in the rent is 3 days after the defendant has received the notice; however, it can be a shorter/longer notice period if a written lease agreement states or if you are evicting for reasons other than past due rent. As stated earlier, this must be 10 days to recover attorney’s fees.

The cost for you to have your case filed and the citation served is **\$141.00** if only one defendant. Each defendant will be an additional \$100.00. This is a “court cost” that can be included in the judgment if you win your case. We normally write the day and time of the hearing on your receipt or call you if the petition was mailed in. **PLEASE NOTE: YOU MUST HAVE COPIES FOR THE COURT’S FILE OF ANY DOCUMENTS YOU INTEND TO SUBMIT TO THE COURT AS EVIDENCE. YOU WILL BE CHARGED FOR ANY COPIES THE COURT MUST MAKE.**

Evictions may be dismissed only in open court or by written motion. If the tenant vacates the property and you do not want to come for the hearing and obtain your written judgment, you must submit a written motion for dismissal so the case can be cleared from the court’s docket.

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: | | | | | | | | | | |
|---|--|------------------|----------------|------------|-----------------------|---------------------|--------------|--|------------------|--|--|
| <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Name: _____</td> <td style="width: 50%; border: none;">Telephone: _____</td> </tr> <tr> <td style="border: none;">Address: _____</td> <td style="border: none;">Fax: _____</td> </tr> <tr> <td style="border: none;">City/State/Zip: _____</td> <td style="border: none;">State Bar No: _____</td> </tr> <tr> <td colspan="2" style="border: none;">Email: _____</td> </tr> <tr> <td colspan="2" style="border: none;">Signature: _____</td> </tr> </table> | Name: _____ | Telephone: _____ | Address: _____ | Fax: _____ | City/State/Zip: _____ | State Bar No: _____ | Email: _____ | | Signature: _____ | | Plaintiff(s): _____ _____ Defendant(s): _____ _____ _____ [Attach additional page as necessary to list all parties] |
| Name: _____ | Telephone: _____ | | | | | | | | | | |
| Address: _____ | Fax: _____ | | | | | | | | | | |
| City/State/Zip: _____ | State Bar No: _____ | | | | | | | | | | |
| Email: _____ | | | | | | | | | | | |
| Signature: _____ | | | | | | | | | | | |
| 3. Indicate case type, or identify the most important issue in the case (select only 1): | | | | | | | | | | | |
| <p>_____ 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>_____ 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>_____ 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>_____ 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> | | | | | | | | | | |

CAUSE NO. _____

| | | |
|-------|---|----------------------|
| _____ | § | IN THE JUSTICE COURT |
| VS | § | PRECINCT ONE |
| _____ | § | PARKER COUNTY, TEXAS |

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT

Before me, the undersigned clerk of the justice court or notary public, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury stated the following:

My name is **[please print]** _____; I am **[check one]** _____ the plaintiff or _____ an authorized agent or _____ attorney for the plaintiff in the above styled and numbered cause. I am over the age of 18 and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

[check below as applicable]

- The defendant is not in the military
- The defendant is not on active duty in the military and/or
- The defendant is not in a foreign country on military service
- The defendant is on active military duty and/or is subject to the Service member Civil Relief Act of 2003.
- The defendant has waived his/her rights under the Service member Civil Relief Act of 2003.
- The defendant's military status is unknown at this time.

Signature of Plaintiff/Agent/Attorney

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

Court Clerk/Notary Public