

PARKER COUNTY

Eviction Petition Packet

Judge Kelly Green



KELLY GREEN JUSTICE COURT PRECINCT TWO

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 **\$20,000**, excluding statutory interest and court costs but including attorney fees, if any.

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.

- 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.
- You must also complete ALL the attached forms, if they are not necessary we would not have them in the packet.

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.

The cost for you to have your case filed and the citation served is **\$154.00** 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.

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

Hearing Date: _____

Time: _____

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT TWO
	§	
_____	§	
DEFENDANT	§	PARKER COUNTY, TEXAS

PETITION – EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s): _____

_____ for eviction from Plaintiff’s premises (including storerooms and parking areas) located in the above precinct. 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:

- Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____ . The amount of 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.
- 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 renewal of extension period, which was _____, 20____.

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 _____, 20____ by this method: _____ .

SUIT FOR RENT: Plaintiff does or does not include a suit for unpaid rent.

ATTORNEY'S FEES: Plaintiff will be or will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers 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. Other home or work addresses 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, 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.
- I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____.

Plaintiff's Printed Name

Signature of Plaintiff or Agent or Attorney

Defendant's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

Address of Plaintiff or Agent or Attorney

Phone No. of Plaintiff/Agent/Attorney

SWORN TO AND SUBSCRIBED on _____, 20_____

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
VS	§	PRECINCT TWO
_____	§	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