

CASE NUMBER: E3- _____

Plaintiff(s): _____

Agent or Attorney: _____

Mailing Address: _____

Phone: _____ Fax: _____

VS.

Defendant(s): _____

Home Address: _____

Phone: _____

IN THE JUSTICE COURT

PRECINCT THREE

HENDERSON COUNTY, TX

TOTAL MONTHLY RENT:

\$ _____

PETITION FOR EVICTION

TO THE HONORABLE JUDGE OF THE COURT:

1. This suit is brought to regain possession of the premises located at _____
_____ a property located within the boundaries of Justice of the Peace,
Pct. 3, Henderson County, Texas.
2. The owner/landlord of the premises is _____
3. The tenant rented this property on or about: _____ and still maintains possession of the
property. The lease is (check one): written oral
4. The rent is \$ _____ per month and is due the _____ day of the month. Rent paid by
government is \$ _____.
5. The owner/landlord claims they should regain possession of the premises due to:
 non-payment of rent
 breach of lease agreement, as follows: _____
 holdover
6. Written notice to vacate and demand for possession was given on _____ in the following manner:
 certified mail regular mail delivery in person attached to inside of main entry door

THE COURT IS ASKED TO EVICT THE TENANT AND ORDER TENANT TO:

- Pay rent owed in the amount of \$ _____, plus all rents accruing through the date of
judgment.
- Pay court costs.
- Pay reasonable attorney's fees of \$ _____

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 sent 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 judgment 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:

_____.

Plaintiff Signature

Agent or Attorney Signature

Said Plaintiff (or agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said Affiant, true and correct.

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

Clerk of the Court or Notary Public

PLEASE DRAW A MAP TO THE DEFENDANT'S ADDRESS AND GIVE DIRECTIONS.

DIRECTIONS TO DEFENDANT'S ADDRESS:

CAUSE NUMBER: _____

PLAINTIFF

JUSTICE OF THE PEACE

VS.

PRECINCT 3, PLACE 1

DEFENDANT

HENDERSON COUNTY, TX

PLAINTIFF'S CERTIFICATE OF LAST KNOWN ADDRESS

Pursuant to TRCP 503.1 Plaintiff is to certify to the court the last known address of the Defendant is as follows:

Defendant's Name: _____

Defendant's Address: _____

Signed this _____ day of _____, 201____.

PLAINTIFF

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court. A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App 501 et seq. To obtain certificates of service or non-service under the Servicemembers Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

CAUSE NO. _____

Plaintiff

In the Justice Court of

Vs.

Henderson County, Texas

Defendant

Precinct 3

Before me, on this day personally appeared, _____
who under penalty of perjury, stated that the following facts are true:

I am the Plaintiff / Attorney of record for the Plaintiff in this proceeding.

**MILITARY STATUS AFFIDAVIT
SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201(b)**

Plaintiff being duly sworn on his oath deposes* and says that defendant is (are):

(Check One)

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

I know this status because: _____

PLAINTIFF

DATE

Sworn to and subscribed before me on this the _____ day of _____, 201__.

Notary of Public, State of Texas

OR

Clerk of the Court

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

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:	
Name: _____	Telephone: _____	Plaintiff(s): _____	
Address: _____	Fax: _____	Defendant(s): _____	
City/State/Zip: _____	State Bar No: _____		
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"/> 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.		<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.	
<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.		<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.	