

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 3
	§	
_____	§	
DEFENDANT	§	HENDERSON COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) (include name, email address, DOB, and last 3 digits of DL & SSN, if known) : _____

_____ 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: \$_____. Defendant has or has not been late/delinquent in paying rent before the month in which notice was given. 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 periodic tenancy, which ended on _____, 20__.

Squatter. Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on _____, 20__. Plaintiff has or has not attached a Motion for Summary Disposition under Rule 510.10.

Expiration of Tenancy at Will or by Sufferance. Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and a demand to surrender possession given on _____, 20__.

PRE-SUIT NOTICE: Plaintiff has given Defendant(s) a notice to vacate notice to pay or vacate (according to Property Code § 24.005(f-3) or (f-4)) 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. Home or work addresses other than the premises 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 if applicable, 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.

SERVICE BY EMAIL: (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. **Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.**)

Yes, I would like to receive documents related to this case by email at this email address:

No, I do not want to receive any documents by email.

Respectfully submitted,

Signature of Plaintiff

Signature of Agent or Attorney, if any

Printed Name of Plaintiff: _____

Plaintiff Mailing Address: _____

Plaintiff Email Address: _____

Plaintiff Phone Number: _____

Printed Name of Agent or Attorney, if any: _____

Agent/Attorney Mailing Address: _____

Agent/Attorney Email Address: _____

Agent/Attorney Phone Number: _____

State Bar No.: _____

SWORN TO AND SUBSCRIBED before me on _____, 20____

CLERK OF THE JUSTICE COURT OR NOTARY

PLEASE DRAW OR ATTACH A MAP TO THE DEFENDANT'S ADDRESS.

DIRECTIONS TO DEFENDANT'S ADDRESS:

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

Precinct 3

Defendant

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 _____, 20____.

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.**

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 _____, 20_____.

PLAINTIFF