

**FILING
INSTRUCTIONS
FOR EVICTION
CLAIMS SUIT**

COSTS - LLANO COUNTY

<u>FILING FEE -</u>	\$54.00
*(New cases, counter-claims, cross-actions, ODL license hearings)	
<u>SERVICE FEE -</u>	
CIVIL CITATIONS -	\$80.00
EVICTION CITATIONS-	\$80.00
CITATION BY PUBLICATION -	\$80.00
<u>WRITS -</u>	
EXECUTION -	\$200.00
SEQUESTRATION -	\$200.00
POSSESSION -	\$200.00
ATTACHMENT -	\$200.00
GARNISHMENT -	\$200.00
RESTITUTION -	\$200.00
RETRIEVAL -	\$200.00
<u>OTHER -</u>	
JURY TRIALS -	\$22.00
CLERK'S PREPARATION OF WRITS -	\$5.00
APPEALS -	\$10.00
TRANSCRIPTS FOR APPEALS -	\$10.00

***PLEASE NOTE THAT ADDITIONAL FEES OR COSTS MAY APPLY**

PAYMENT METHODS ACCEPTED - MONEY ORDER, CASHIER'S CHECK, CREDIT/DEBIT CARD, OR CASH.

TO FILE SUIT THE FOLLOWING DOCUMENTS WILL BE NEEDED:

- 1). Justice Court Civil Case Information Sheet
- 2). Petition
- 3). Copies of any documents you wish to file with your petition
- 4). Payment of filing fee (MAKE PAYABLE TO LLANO COUNTY)
- 5). Payment of service fee (If service is out of Llano County, please contact the County where service is to be sent and obtain their service fee and mailing address where citation is to be sent)
- 6). If citation is to be sent to a different County please provide a stamped and addressed envelope.

HELPFUL WEBSITES:

Texas Ahead Sheriff's & Constables Fees: <https://ourcpa.cpa.state.tx.us/sacf/feesSearch.jsp>

Texas Legislature Online: <http://www.legis.state.tx.us>

Texas Indigent Defense Commission: <http://www.txcourts.gov/tidc/>

Texas Free Legal Aid: <http://www.TexasLawHelp.Com>

THE STATE OF TEXAS *

COUNTY OF LLANO *

NOTICE TO VACATE

To _____ of said County:

You are hereby notified that your rental/lease agreement for the property located at:

in Llano County, Texas is hereby terminated effective immediately. This action is being taken as a result of your failure to pay rent in the amount of \$ _____ and/or for violation of your rental/lease terms.

You along with all other occupants are HEREBY commanded to vacate and remove all personal belongings from the premises, and any storage buildings on said property within _____ hours from the posting/delivery of this notice. You are also commanded to make payment in the amount of \$ _____ for unpaid rent owed.

Failure to vacate the above premises within _____ hours will result in the filing of an Eviction suit for possession of the property along with judgment for any monies owed and all costs for filing of the suit as the law directs.

Date: _____

_____/Landlord/or Agent

CERTIFICATE OF DELIVERY

I hereby certify that this notice has been furnished to the above-named tenant(s) on _____, 20____ at _____ a.m./p.m. by:

___ Hand delivering to _____, tenant at the said premises;

___ Affixing notice to the inside/outside front entry door of said premises.

_____/Landlord/or Agent

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:

Name:

Telephone:

Plaintiff(s):

Address:

Fax:

City/State/Zip:

State Bar No:

Defendant(s):

[Attach additional page as necessary to list all parties]

Email:

Signature:

3. Indicate case type, or identify the most important issue in the case (select only 1):

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

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 \$20,000, excluding statutory interest and court costs but

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

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 \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
v.	§	
_____	§	PRECINCT NO. _____
DEFENDANT	§	
	§	_____ COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) _____ for eviction of 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 the ____ day of _____, 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 the ____ day of _____, 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: _____

Address of Plaintiff or Agent or Attorney

Last three digits of Driver License: _____

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

Phone No.: _____

City State Zip

Phone & Fax No. of Plaintiff
or Agent or Attorney

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

CLERK OF THE JUSTICE COURT OR NOTARY

Case No. _____

Plaintiff

Vs.

Defendant

)

IN THE JUSTICE COURT

)

PRECINCT FOUR

)

LLANO COUNTY, TEXAS

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

TO THE HONORABLE JUDGE OF SAID COURT:

I being the above named Plaintiff herein, hereby certify to the court that the last known mailing address of the above named Defendant(s) is as follows:

PLAINTIFF

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

NOTARY / CLERK

Notary Public in and for the State of Texas

SEAL

Clerk of the Justice Court

FORM 127 – SERVICEMEMBER’S CIVIL RELIEF ACT
AFFIDAVIT
50 USC Sec. 520

Case No. _____

Plaintiff

VS.

Defendant

)(IN THE JUSTICE COURT
)(PRECINCT FOUR
)(LLANO COUNTY, TEXAS

Plaintiff being duly sworn on oath deposes* and says that defendant(s) 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 Servicemembers Civil Relief Act of 2003
- has waived his/her rights under the Servicemembers Civil Act of 2003
- military status is unknown at this time

PLAINTIFF

(Select the applicable title under the signature for the jurat below)

Subscribed and sworn to before me no this the ____ day of _____, 20__.

NOTARY / CLERK

Notary Public in and for the State of Texas

SEAL

Clerk of the Justice Court

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



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEE	PATRICK		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USC Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:BJGMYWBTSNH

Filing an Eviction

Llano County Justices of the Peace Pct#4 325-247-3178

- An eviction MUST be filed in the Justice precinct where the rental property is located.
- 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 certain terms.
- The landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days written notice to vacate the premises before the landlord files an eviction, unless the parties have contracted for a shorter or longer notice p[eriod in a written lease or agreement.
- The notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older; or personal delivery to the tenant and affixing the notice to the inside of the main entry door. Notice by mail may be regular mail, or by certified mail, return receipt requested, to the premises in question.
- Alternative delivery of the notice to vacate is only an option: the dwelling has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to leave the notice to vacate on then inside of the main entry door; or the landlord'reasonable believes that harm to a person would result from "in person" delivery as described above.
- If the above condition exists, the landlord may securely affix the notice on the outside of the main entry door in an envelope with the tenant's name, address, and the words "Important Document "or similar language; and by 5:00p.m. of the same day, deposit a copy of the notice to vacate to the tenant in the mail from "notice by mail" delivery as described above. (must be mailed from the same county as the premises).
- To begin an eviction proceeding, the landlord must file a written and sworn Petition for Eviction. The complaint must describe the premises, of which the landlord is claiming possession with sufficient certainty to identify premises, and state the facts which entitle the landlord to possession. The landlord must file a sworn affidavit of Military Service per person.
- When filing, the landlord should bring the following:
 - A) A copy of the lease
 - B) A copy of the notice to vacate
 - C) \$134.00 for filing and service on one person (additional service is \$80.00 per person) A litigant is entitled to alternative methods of satisfying the court costs, subject to acceptance by the Court.
 - D) All work and residence addresses and telephone numbers of the tenant(s) known by the landlord.
- Generally, all parties named in the lease should be sued and served with a citation in the eviction proceeding. Any judgement granted will run only against those who are specifically named and served.

- The owner's agent may file any type of eviction suit and may represent the owner at any default judgment hearing. If the case is contested an agent may represent either party if the case involves non-payment of rent. The parties or their attorneys must try all other types of evictions if the case is contested.
- A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the justice court (<20,000). Charges for items other than rent cannot be joined with suit for eviction
- A court date will be set after the citation has been served and both parties will be notified and are expected to appear at the date/time. Any continuance request must be in writing, timely and agreed to by all parties.
- Under the Texas Rules of Civil Procedure, either party to the lawsuit has five days (5) to appeal the court's decision. The filing of an appeal stops all further justice court proceedings until there is a resolution by the county court-at-law. If neither party appeals, the landlord may obtain a Writ of Possession from the court after five (5) day period for appeal has passed. The writ fee of \$200.00, plus \$5 processing fee is payable to JP Court to cause the tenant to vacate the premises. Questions involving the execution of the writ should be directed to the appropriate constable's office.