

CAUSE NO. _____

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

PETITION – EVICTION CASE (WITH TEDP INFORMATION)

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

_____ GROUNDS 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: _____
- I have reviewed the information about the Texas Eviction Diversion Program available at www.txcourts.gov/eviction-diversion/.

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 & Fax No. of Plaintiff/Agent/Attorney

SWORN TO AND SUBSCRIBED on _____, 20____

CLERK OF THE JUSTICE COURT OR NOTARY

DOCKET NO. _____ DEFENDANT'S NAME: _____

AFFIDAVIT

SERVICE MEMBERS CIVIL RELIEF ACT SEC. 201 (b)

*To VERIFY Military Status go to website: <https://scra.dmdc.osd.mil/scra/#/single-record>

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT: (Please select ONE for DEFENDANT)

___ IS IN THE MILITARY SERVICE AND ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

___ IS IN THE MILITARY SERVICE AND NOT ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

___ IS NOT IN THE MILITARY SERVICE

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

OR

___ HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003

OR

___ PLAINTIFF IS UNABLE TO DETERMINE WHETHER OR NOT DEFENDANT IS IN MILITARY SERVICE AT THIS TIME

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

*I am not providing proof of military status from the governmental website because:



SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

CLERK OF THE JUSTICE COURT
NOTARY PUBLIC IN AND FOR STATE OF TEXAS (STRIKE ONE)

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.

****CERTIFICATE OF LAST KNOWN ADDRESS****

In strict compliance with Rule 503.1(d), Texas Rules of Civil Procedure, it is hereby certified that the last known mailing address of Defendant is as follows:

**DEFENDANT'S ADDRESS _____, CITY, STATE, AND ZIP CODE



SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF



200 W. Main
P.O. Box 394
Hallsville, Texas 75650

R. MICHAEL SMITH
Justice of the Peace
Precinct 3

Office: (903) 668-2050
Fax: (903) 668-2979

In the exercise of its inherent power to provide for the orderly disposition of all court proceedings before this Harrison County Justice of the Peace Court of Harrison County, Texas, the Court's *sua sponte* Order, as follows:

I. COURTROOM ATTIRE AND ACCESSORIES

1. Persons in the Courtroom must be dressed in appropriate Courtroom attire. Absolutely no tank tops, sleeveless shirts, sleeveless dresses, hats, pants that hang below hips, torn clothing, or shorts shall be allowed. No flip flop shoes are allowed. No undergarments shall be visible and no sheer clothing is allowed.
2. Persons not appropriately dressed may, at the discretion of the court, be required to change into appropriate clothing before being allowed into the Courtroom.
3. No signs, banners, messages, clothing with messages or other distracting, disruptive or potentially improper prejudicial material may be brought into, worn or displayed in the Courtroom or seating areas.
4. All electronic devices must be silenced and put away unless otherwise approved by the Court.
5. Weapons of all types (guns, chemical, knives, etc) are not allowed in the Courtroom or seating area for Court unless you are a member in the discharge of your duties. Having a concealed handgun permit is not an exception to this rule.

II. COURTROOM DEMEANOR

1. Children are not permitted in the Courtroom, unless otherwise approved by the Court. Any children in the Courtroom must conform their demeanor to that required of the adults by the Court.
2. No drinks, snacks, chewing gum, smoking or chewing tobacco in the Courtroom. Water may be allowed with the permission of the Court.
3. As in all cases, the atmosphere in the Courtroom must be quiet, calm, and deliberative. Evidence in the case may be complex, graphic, emotional and sometimes very tedious. All persons attending any Court proceedings must be willing to commit to a serious attitude if in attendance.
4. No member of the general public, media, court observers, or persons connected with the Court will be allowed in front of or beyond the bench at any time, unless otherwise approved by the Court.

DOCKET NO. _____ DEFENDANT'S NAME: _____

AFFIDAVIT

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