

# NOTICE TO VACATE

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Date: \_\_\_\_\_

To: \_\_\_\_\_ and all other occupants:

In accordance with the Statutes of the State of Texas, you are hereby notified and required to quit and deliver up peaceful possession of the premises you now hold, and or pay the amount of rent now due \$ \_\_\_\_\_, which said premises are situated and described as follows:

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
City State Zip

Should you fail to comply with request to vacate the said premises by the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_-, then I shall proceed against you as the laws direct.

Sincerely,

\_\_\_\_\_  
Owner/Authorized Agent

Plaintiff gave defendant(s) this written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and made demand for possession on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and delivered by this method: \_\_\_\_\_  
\_\_\_\_\_

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Wilson County JP4  
Website Link for  
Forms, & Self Help

**CIVIL PAPERWORK** \*Must Include: **1 ORIGINAL** and **2 COPIES**  
 Note\*(Add additional set of copies if multiple Defendants are listed)  
**Including:** Cover Page, Petition, Filing Paperwork, Military Affidavit,  
 Evidence, Motions, & Answers  
 Civil Payment must be in the form of: **Money Order** or **Cashier Check**  
**\*Two Separate Payable to:** Filing Fee – **(JP 4) \$54.00**  
 Service Fee – **(WILSON COUNTY CONSTABLE) \$130.00 (per Defendant)**

**JUSTICE COURT CIVIL CASE INFORMATION SHEET (9/19)**  
**CAUSE NUMBER (FOR CLERK USE ONLY): EV4-25 \_\_\_\_\_**

**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 would be appreciated 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, does not replace 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: _____  Address: _____  City/State/Zip: _____  Phone: _____ Fax: _____  State Bar No: _____  Email: _____  Signature: _____	Plaintiff(s): _____  Defendant(s): Name: _____ Address _____ City/State/Zip: _____ Phone: _____  Defendant(s): Name: _____ Address _____ City/State/Zip: _____ Phone: _____  <b>[Attach additional page as necessary to list all parties]</b>

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

<input type="checkbox"/> <b>Debt Claim:</b> 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.	<input checked="" type="checkbox"/> <b>Eviction:</b> 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.
<input type="checkbox"/> <b>Repair and Remedy:</b> 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"/> <b>Small Claims:</b> 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, excluding statutory interest and court costs but including attorney fees, if any.

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
v.	§	PRECINCT 4
_____	§	
DEFENDANT	§	WILSON COUNTY, TEXAS
	§	

**PETITION: EVICTION CASE**

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) *(include name, DOB, and DL number, 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	City	State	Zip

**GROUND'S FOR EVICTION:** Plaintiff alleges the following grounds for eviction:

- Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): (Months/Rental Amount(s) owed) \_\_\_\_\_. 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, which was on (Enter the Day After Notice to Vacate Expired) \_\_\_\_\_.

**NOTICE TO VACATE:** Plaintiff has given Defendant(s) a written notice to vacate *(according to Property Code § 24.005)* and demand for possession. Such notice was delivered on the (Date Notice to Vacate Delivered) \_\_\_\_\_ by this method: (How the Notice to Vacate was Delivered) \_\_\_\_\_.

**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: Enter All Contact Information for Attorney \_\_\_\_\_

**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: (Enter any Additional Service addresses in Wilson County Here) \_\_\_\_\_

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): Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_ Last three digits of SSN: \_\_\_\_\_

**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 Attorney, if any

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Email:

\_\_\_\_\_  
Email:

\_\_\_\_\_  
Telephone:

\_\_\_\_\_  
Telephone:

\_\_\_\_\_  
Fax:

\_\_\_\_\_  
Fax:

\_\_\_\_\_  
State Bar No.:

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF  
v.  
\_\_\_\_\_  
DEFENDANT

§  
§  
§  
§  
§  
§

IN THE JUSTICE COURT  
  
PRECINCT 4  
  
WILSON COUNTY, TEXAS

**SERVICEMEMBER’S CIVIL RELIEF ACT AFFIDAVIT**

**Instructions:** The Servicemember’s 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 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 the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember’s 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.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

- not on active duty in the military
- on active military duty and/or is subject to the Servicemember’s Civil Relief Act of 2003
- has waived in writing his/her rights under the Servicemember’s Civil Relief Act of 2003
- military status is unknown at this time

\_\_\_\_\_  
PLAINTIFF

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

*\*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.*

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF §  
v. §  
\_\_\_\_\_  
DEFENDANT §  
§

IN THE JUSTICE COURT  
  
PRECINCT 4  
  
WILSON COUNTY, TEXAS

**NOTICE OF DEFENDANT’S LAST KNOWN MAILING ADDRESS**

The undersigned certifies that the last known mailing address of the defendant in this case is:

**Defendant’s Name:** \_\_\_\_\_.

**Defendant’s Last Known Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Plaintiff or Plaintiff’s Attorney of Record)                      Date

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_