

FILING A FORCEBLE DETAINER / EVICTION SUIT

VENUE:

Forcible Entry and Detainer or Eviction Suit must be filed in the Justice Court Precinct that covers the specific address of the rental property, not where the landlord or tenant lives.

REQUISITES:

If the occupant is a tenant under a written lease or oral agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least **THREE DAY WRITTEN NOTICE TO PAY OR VACATE PREMISES** before the landlord files a Forcible Detainer Suit, **unless the parties have contracted for a shorter or longer period in a written lease or agreement.**

To recover attorney's fees in a Forcible Entry and Detainer Suit, the written demand to vacate the premises must state that if the tenant does not vacate before the 11th DAY after the date of receipt of the notice and if the landlord files suit, the landlord may recover attorney's fees. Notice by mail may be registered or certified mail, return receipt requested, to the premises in question.

JURISDICTION:

A Forcible Entry and Detainer or Eviction Suits must be filed in the Justice of the Peace Court for the specific precinct where the rental/leased property is located.

FILING SUIT:

The responsibility for filling out your petition rests with you, the Plaintiff. Court Clerks will assist you if you have a procedural question. List each adult tenant on the lease or in a verbal agreement. State the tenant's full address including apartment number. List any known work address or other address where the tenant may be located for service.

Paragraph #2 of the attached petition describes three separate course of action. The first cause is for **NON-PAYMENT OF RENT**. The second cause is for **BREACH OF LEASE/CONTRACT** by the tenant. The third cause is for **HOLDING OVER THE LEASE PREMISES** by the tenant. The fourth cause is for **SQUATTER** who moved in without permission. The fifth cause is for **TENANCY AT WILL OR BY SUFFERANCE** without a formal lease.

If neither is chosen, then the last paragraph will cover the cause of action known as owner wants possession.

When filing, the landlord should bring the following:

- a. A copy of the lease (if you have one);
- b. A copy of the Notice to Pay or Vacate
- c. Filing fee is \$54.00 and service fee is \$150.00 per person.

Generally, all parties named in the lease should be sued and served with citation and any Judgment granted will be for those who are specially named and served with citation.

CITATION:

The Constable will serve each tenant with citation based on the information you give to the Court. The tenant will be informed in the citation the DATE and TIME of the hearing and a DEFAULT JUDGMENT may be rendered against him/her if he/she does not appear at the time designated.

REPRESENTATION:

The landlord's agent may file any type of eviction suit and may represent the landlord at any default judgment hearing. If the case is contested, an agent may represent either party if the case involves non-payment of rent or holding over.

HEARING:

Always arrive at least ten (10) minutes prior to the trial and check in with the clerk and identify yourself by name along with the names of any witnesses that you want sworn to give testimony.

IF THE TENANT APPEARS AT HEARING:

- A. The Judge will hear both sides.
- B. The Judge will render Judgment.
- C. If the Judge rules in the landlord's favor, the tenant will have five (5) days to appeal to County Court.

IF THE TENANT FAILS TO APPEAR AT HEARING:

- A. The landlord or the landlord's agent will present their case to the Judge;
- B. If the Judge rules in the landlord's favor, a Default Judgment will be granted.

IF THE TENANT DOES NOT MOVE WITHIN THE TIME SPECIFIED IN THE JUDGMENT OR DOES NOT APPEAR TO COUNTY COURT:

- A. A Writ of Possession may be requested and filed.
- B. The cost of the Writ of Possession is \$250.00.
- C. A Writ of Possession will order the Constable executing the Writ to instruct the tenant to remove or allow the landlord, the landlord's agent, or persons acting under the Constable's supervision to remove all personal property claimed to be owned by the tenant and place or have an authorized person to place the removed property outside the rental unit at a nearby location or street and NOT while it is raining, sleeting, or snowing.

NO LEGAL QUESTIONS WILL BE ANSWERED BY THIS OFFICE. If you have additional PROCEDURAL questions, please contact this office at (361) 645-3663.

NOTICE TO PAY OR VACATE

TO: _____

ADDRESS: _____

As outlined in Article 24.005, Texas Property Code, you are hereby notified that _____ days after delivery of this notice, I demand possession of said property listed above, now occupied by you, which you illegally detain from me. Unless you vacate at once, I shall proceed to repossess said property as you now owe \$_____ for rent thru the day of _____, 20____ and/or for the reason(s) listed herein:

I HEREBY DEMAND that you pay all past due rent and vacate the premises at once or I shall proceed against you as the law directs.

Signed this the _____ day of _____, 20_____.

Printed Name of Landlord

Signature of Landlord

Address: _____

Phone Number: _____ Email: _____

This notice was executed at the above address on the _____ day of _____, 20____, at _____ o'clock _____ .m. by: _____,

_____ delivering a true copy of this notice to the Tenant in person or leaving a true copy of this notice with a person over the age of 16 years, at the address listed above.

_____ delivering a true copy of this notice to the inside of the premises in conspicuous place.

_____ mailing a true copy to the tenant (certified, return receipt recommended).

_____ delivering a true copy of this notice electronically if the parties have agreed in writing.

Signed this the _____ day of _____, 20_____.

Signature of person serving this notice

Revised 01/2026

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT ONE
	§	
_____	§	
DEFENDANT	§	GOLIAD 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.

REMOTE PARTICIPATION:

Hearing by Phone Call: *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Defendant, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Defendant and understand that I must have a phone to use on the date and time of the hearing.

☐ No, I am not able to have hearings by phone call.

Hearing by Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,

Signature of Plaintiff

Signature of Agent or 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

Case No: _____
(Print court information exactly as it appears on your Petition)

In the (check one):

☐ District ☐ County ☐ Justice Court of:

County, Texas

Certificate of Last Known Mailing Address

1. My name is: _____
First Middle Last

2. I am the Petitioner in this case.

3. The Respondent's name is: _____
First Middle Last

4. I certify that the last known mailing address I have for the Respondent is:

Address City State Zip

Respectfully submitted,

Your Signature

Date

Your Printed Name

()
Phone

Your Mailing Address

City

State

Zip

Email Address: _____ Fax # (if available) _____

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
☐ District ☐ County ☐ Justice Court of:
_____ County, Texas

Military Status Affidavit

THE STATE OF TEXAS

COUNTY OF _____

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

"My name is: _____
First Middle Last

"I am above the age of 18 years.

"I am fully competent to make this affidavit.

"The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in this case.

"The Respondent is: _____
First Middle Last

- ☐ "I submitted a record request using the Department of Defense personnel locator website, <https://scra.dmdc.osd.mil/scra/>, also known as the Defense Manpower Data Center (DMDC) database.

"The search results showed that the Respondent is not on active duty in any of the armed forces. I have attached a true and correct copy of the DMDC verification to this affidavit.

(If you check this box, you must attach a copy of the DMDC verification.

You can print a copy of the DMDC verification from this web address:
<https://scra.dmdc.osd.mil/scra/>.)

- ☐ "I believe the Respondent may be in the military. Therefore, I contacted the following military locator services:

Military Locator Service Contacted	Results
<u>Air Force: 210-565-2660</u>	<u></u>
<u>Navy: 866-827-5672</u>	<u></u>
<u>Marines: 800-268-3710</u>	<u></u>

- ☐ I know that the Respondent is not now in the military because:

- ☐ I do not know if the Respondent is in the military now.

Your Signature (Do not sign until you are in front of a notary.)

State of Texas

County of _____

SIGNED under oath before me on _____, 20____, by

PRINT the first and last names of the person who signed this affidavit.

Notary Public, State of Texas

(Notary's seal must be included.)