

NOTICE TO VACATE FOR NONPAYMENT OF RENT;  
DEMAND FOR POSSESSION; AND  
NOTICE OF TERMINATION OF POSSESSION RIGHTS

\_\_\_\_\_, 20\_\_\_\_

To \_\_\_\_\_  
Name of renter and address

That this notice is serviced this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to \_\_\_\_\_ of \_\_\_\_\_,  
Wharton County, Texas.

To \_\_\_\_\_ and all other occupants  
(renter)  
now in possession of the hereinafter described premises:

You are hereby notified to vacate the premises you now occupy, being  
\_\_\_\_\_, Wharton County, Texas, and  
deliver possession to the undersigned within \_\_\_\_ days.

Reason for this note: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should you fail, neglect, or refuse to vacate said premises \_\_\_\_\_ DAYS from  
service of this notice, I will take such legal action as the law requires to put you off said  
premises. The owner demands immediate possession of the premises identified above as  
soon as possible for failure to pay rent on said property; you are directed to remove all  
your personal property from the premises as soon as possible and return the key to the  
owner.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner address



## WHARTON COUNTY PRECINCT # 1, 2, 3, or 4

### JUSTICE OF THE PEACE

Justice Court Filing of Precinct 1, 2, 3, or 4

The filing fee is Fifty-four Dollars (\$54.00).

In addition, there is a fee for serving the defendant which is Seventy Five Dollar(\$75.00) per defendant to be served in Wharton County, for a total of One Hundred Twenty Nine dollars(\$129.00).

**\*\*\*Note\*\*\***If you are filing on a defendant that resides *outside* of Wharton County, you must contact that county for the constables service fee and address.

*Wharton County Filings:* To find the correct precinct of an address you are filing on within Wharton County; contact the Wharton County Election's office at: 979-532-0193

### Justice Courts, Wharton County Texas

**Judge Jared Cullar, Pct. 1**

1017 N. Alabama Road  
Wharton, Texas 77488  
Phone (979) 532-3941---Fax(979) 531-0758

**Judge Glenn P. Russell, Pct. 2**

736 Clubside Drive  
East Bernard, Texas 77435  
Phone(979) 335-6210---Fax (979)335-6312

**Judge Donna Wessels, Pct. 3**

P.O. Box 184 (340 West North)  
Louise, Texas 77455  
Phone (979) 648-2363 ---Fax (979) 648-2359

**Judge T.J. Drapela, Pct. 4**

605 E. Calhoun St.  
El Campo, Texas 77437  
Phone (979) 543-4322---Fax (979) 543-1568

**PETITION: EVICTION CASE**

CASE NO. (court use only) \_\_\_\_\_  With suit for Rent COURT DATE: \_\_\_\_\_

In the Justice Court, Precinct \_\_\_\_\_, Wharton County, Texas

PLAINTIFF \_\_\_\_\_  
(Landlord/Property Name)

VS.  
DEFENDANT(S): \_\_\_\_\_

Rental Subsidy (if any) \$ \_\_\_\_\_  
Tenant's Portion \$ \_\_\_\_\_  
TOTAL MONTHLY RENT \$ \_\_\_\_\_

**COMPLAINT:** Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address Unit No. (If any) City State Zip Phone #

1. **SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

2.  **UNPAID RENT AS GROUNDS FOR EVICTION:** Defendant(s) failed to pay rent for the following time period(s): \_\_\_\_\_ . **TOTAL DELINQUENT RENT AS OF 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.*

3.  **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (if other than non-paid rent – list lease violations)

4.  **HOLDOVER AS GROUNDS FOR EVICTION:** Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term or renewal of extension period, which was the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

5. **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 \_\_\_\_\_ and delivered by this method:

6. **ATTORNEY'S FEES:** Plaintiff  will be or  will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: \_\_\_\_\_

7.  **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

**REQUEST FOR JUDGMENT:** Plaintiff request that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, including removal of defendants and defendants' 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 rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

I give my consent for the answer and any other motions or pleadings to be sent to my email address which is:

I have reviewed the information about the Texas Eviction Diversion Program available at [www.txcourts.gov/eviction-diversion/](http://www.txcourts.gov/eviction-diversion/)

Plaintiff's Printed Name

Signature of Plaintiff (Landlord/Property Owner) or Agent

**DEFENDANT(S) INFORMATION** (if known):

Address of Plaintiff (Landlord/Property Owner) or Agent

DATE OF BIRTH: \_\_\_\_\_

City State Zip

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

DEFENDANT'S PHONE NUMBER: \_\_\_\_\_

Phone & Fax No. of Plaintiff (Landlord/Property Owner) or agent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



This affidavit is required in all civil filings in this Court. You may take this affidavit to any legally qualified notary public or bring it to my office and we will have you swear to the affidavit before the Judge Or Clerk. Failure to submit this affidavit will invalidate your claim.

CASE NO. \_\_\_\_\_

**AFFIDAVIT PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT(S)**

- IS NOT IN THE MILITARY
- IS NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
- IS NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE.
- IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003
- MILITARY STATUS IS UNKNOWN AT THIS TIME

PLAINTIFF \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR STATE OF TEXAS/  
CLERK OF THE JUSTICE COURT (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.

# CIVIL PROCESS INFORMATION FORM

Name of Defendant: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (Home) \_\_\_\_\_ (Cell)

Drivers License # \_\_\_\_\_ SSN# \_\_\_\_\_

Appx. Height: \_\_\_\_\_ Appx. Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Other Identifying Marks/Features: \_\_\_\_\_

Directions to Residence: \_\_\_\_\_

Residence Description (Type of residence, color, one or two story): \_\_\_\_\_

## Vehicle Information:

(1) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

(2) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

## Employer Information:

Employer: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

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

Plaintiff Name, Address, Telephone Number: \_\_\_\_\_

IN THE JUSTICE COURT  
PRECINCT \_\_\_\_\_  
WHARTON COUNTY, TEXAS

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

VS.

\_\_\_\_\_  
DEFENDANT

**PLAINTIFF'S MOTION TO DISMISS**

COMES NOW THE PLAINTIFF in the above styled and numbered cause and files this MOTION TO DISMISS the above styled case WITHOUT PREJUDICE, in accordance with RULE 162 of the Texas Rules of Civil Procedure, and cites the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF

**ORDER OF DISMISSAL**

Be it therefore ORDERED, ADJUDGED AND DECREED that the PLAINTIFF'S MOTION BE GRANTED. The above styled cause is DISMISSED WITH/WITHOUT PREJUDICE.

SIGNED AND ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PRESIDING JUDGE/CLERK OF COURT