



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

Notice to Vacate Chart

Type of Tenancy	Time Period
Tenancy for a Fixed Term	3 days' written notice unless lease provides otherwise Prop Code 24.005(a)
Tenancy at Will <i>without Rental Payment</i> (no fixed term, such as boyfriend/girlfriend or parent/adult child)	3 days' written notice Prop Code 24.005(b)
Tenancy at Will <i>with Fixed Rental Payments</i> (such as month-to-month agreements)	3 days' written notice unless lease specifies otherwise. If no breach of lease, must first give termination notice of at least one rental period unless lease specifies otherwise Prop Code 24.005(b); 91.001
Tenancy by Sufferance (such as an owner who was foreclosed upon)	3 days' written notice Prop Code 24.005(b)
Residential Tenant of an Owner Who Was Foreclosed Upon	<i>If requirements of bona fide tenant met</i> (see Evictions Deskbook Chapter 3 for details), tenant can finish lease unless purchaser will live in property as primary residence, in which case 90 days' written notice Permanently Protecting Tenants at Foreclosure Act of 2018, 12 U.S.C. 5201
Commercial Tenant of an Owner Who Was Foreclosed Upon	30 days' written notice Prop Code 24.005(b)
Squatter (person who entered without legal authority or by force)	Immediate notice, which can be oral Prop Code 24.005(d)
Tenant of a Squatter	3 days' written notice Prop Code 24.005(c)

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 sues the defendant(s) named above 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:

1. **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 request alternative service as allowed by the Texas Rules of Civil Procedure. Home or work addresses other than the premises where the Defendant(s) may be served are: _____

Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

2. ☐ **UNPAID RENT AS GROUNDS FOR EVICTION:** Defendant(s) failed to pay rent for the following time period(s): _____ THE AMOUNT OF RENT CLAIMED AS OF 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.

3. ☐ **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____

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. ☐ **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.

6. ☐ **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____.

7. **PRE-SUIT NOTICE:** Plaintiff has given Defendant(s) a ☐ notice to vacate ☐ notice to pay or vacate (according to Texas Property Code §24.005(f-3) or (f-4)) and demand for possession. Such notice was delivered on the _____ day of _____ and delivered by this method: _____

8. **SUIT FOR RENT:** Plaintiff ☐ does or ☐ does not include a suit for unpaid rent.

9. **ATTORNEY'S FEES:** Plaintiff ☐ will be or ☐ will NOT be seeking applicable attorney's fees. The attorney's name, address, and phone & fax numbers are: _____

10. ☐ **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 Procedure, are given to Defendant(s).

RELIEF: REQUEST FOR JUDGMENT: 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 under Civil Statutes Article 5069-1.05.

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

Plaintiff's Printed Name

Signature of Plaintiff (Landlord/Property Owner) or Agent or Attorney, if any

DEFENDANT(S) INFORMATION (if known):

Address of Plaintiff (Landlord/Property Owner) or Agent or Attorney

DATE OF BIRTH: _____

City State Zip

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

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

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Sworn to and subscribed before me this _____ day of _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

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.

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