



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
<p style="text-align: center;">Tenancy for a Fixed Term</p>	<p style="text-align: center;">3 days' written notice unless lease provides otherwise Prop Code 24.005(a)</p>
<p>Tenancy at Will <i>without Rental Payment</i> (no fixed term, such as boyfriend/girlfriend or parent/adult child)</p>	<p style="text-align: center;">3 days' written notice Prop Code 24.005(b)</p>
<p>Tenancy at Will <i>with Fixed Rental Payments</i> (such as month-to-month agreements)</p>	<p>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</p>
<p>Tenancy by Sufferance (such as an owner who was foreclosed upon)</p>	<p style="text-align: center;">3 days' written notice Prop Code 24.005(b)</p>
<p>Residential Tenant of an Owner Who Was Foreclosed Upon</p>	<p><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</p>
<p>Commercial Tenant of an Owner Who Was Foreclosed Upon</p>	<p style="text-align: center;">30 days' written notice Prop Code 24.005(b)</p>
<p>Squatter (person who entered without legal authority or by force)</p>	<p style="text-align: center;">Immediate notice, which can be oral Prop Code 24.005(d)</p>
<p>Tenant of a Squatter</p>	<p style="text-align: center;">3 days' written notice Prop Code 24.005(c)</p>

_____ **(3) DAY NOTICE TO PAY OR VACATE**

_____ **(3) DAY NOTICE TO VACATE**

Date: _____

To: _____

Rental (Premises) Street Address: _____

City: _____ State: Texas ZipCode: _____

You are notified that you owe rent in the amount of \$ _____.

This amount does not include any late fees that you may also owe. You may not be evicted for non-payment of late fees.

- **OPTION 1:**

If you do not pay this rent amount in full by _____ at _____ AM PM, which must be at least three (3) days after the date and time you receive this notice, your tenancy will be terminated, and you will be required to move. If you pay your rent in full before the date and time above, you do not have to move. If you do not pay your rent or move by the date and time above, a lawsuit may be filed to evict you.

- **OPTION 2:**

If you do not pay this rent and move by _____ at _____ AM PM, which must be at least three (3) days after the date and time you receive this notice, a lawsuit may be filed to evict you.

Landlord / Agent Signature: _____

Printed Name: _____

Property Code 24.005(f)

_____ Hand delivery to any tenant of the premises who is 16 years of age or older

_____ Delivery to the inside of the premises, in a conspicuous place

_____ Mailed (1st class, certified, registered, or a delivery service)

_____ IF the parties have agreed in writing, electronic communication, including e-mail or other electronic means

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)

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

VS. DEFENDANT(S): _____

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 FORS 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.
2. UNPAID RENT AS GROUNDS FOR EVICTION: Defendant(s) failed to pay rent for the following time period(s):
3. OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS: Defendant(s) breached the terms of the lease
4. HOLDOVER AS GROUNDS FOR EVICTION: Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term
5. Squatter. Defendant(s) never had a right to possess the property
6. Expiration of Tenancy at Will or by Sufferance. Defendant(s) had no lease agreement
7. PRE-SUIT NOTICE: Plaintiff has given Defendant(s) a notice to vacate or notice to pay or vacate
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.
10. IMMEDIATE POSSESSION BOND: If Plaintiff has filed a bond for immediate possession
11. RELIEF: REQUEST FOR JUDGMENT: Plaintiff requests that Defendant(s) is served with the citation and that Plaintiff is awarded a judgment
12. 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: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

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

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.

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