

MARK FINLAY
Justice of the Peace, Precinct 4
3RD and Ave F | Markham, Texas 77456
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INSTRUCTIONS AND INFORMATION FOR FILING
EVICITION CASES IN JUSTICE COURT

PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION

1. Your petition and affidavit must be properly completed and notarized in order to be accepted by our court. Must be printed in ink.
2. Plaintiff must name as defendants, all tenants obligated under the lease and residing at the premises which Plaintiff seeks to evict. No Judgment or Writ of Possession may be issued or executed against a tenant obligated under a lease and residing at the premises who is not named in the petition and served with citation. There is a \$75.00 service fee for each defendant. It is the responsibility of the Plaintiff to file an Eviction Petition in the precinct where the rental property is located.
3. The tenant's full address, including apartment number must be included in the petition.
4. If you are suing for rent or past due rent, the amount you are suing for must be 20,000.00 or less. Each tenant listed on the petition must be personally served. Your Notice to Vacate must include any amount of past due rent you are suing for and the time limit to vacate, in accordance with the lease. If there is not a lease, a minimum of three days is required by law.
5. Filing Fees are payable by money orders, cashier's checks, debit cards and credit cards. Online payments may be made by visiting the Certified Payments website listed on the second page or by calling the toll-free phone number to Certified Payments.
6. Please refer to your court cause number when calling our office to inquire on the status of your cause. The Cause Number will be recorded on your payment receipt.
7. Eviction suits may be dismissed in open court or by the court receiving a letter from the Plaintiff which states they wish to have the case dismissed.
8. A Trial Notice will be sent to the Plaintiff/s by via postal mail, email or fax.
9. PLAINTIFFS AND DEFENDANTS – **ALL DOCUMENTS TO PROVE YOUR CASE: EXHIBITS, PICTURES, DISCOVERY & ETC. MUST BE FILED NO LATER THAN THE DAY BEFORE YOUR COURT DATE. COPIES MUST BE PROVIDED TO THE COURT AND TO THE OPPOSING PARTY.**

NOTE

DO NOT ASK TO SPEAK TO THE JUDGE. The judge cannot listen to any portion of your case and then actually hear the case upon trial. Any question should be directed to the clerks and if there is a problem, this will be addressed to the Judge by the clerks. **ANY LEGAL QUESTION MAY NOT BE ANSWERED BY THIS COURT.**

SCHEDULE OF FEES FOR JUSTICE COURT CASES

Filing Fees IF the Defendant lives in Matagorda County:

Filing Fee	\$ 54.00
***Service Fee	\$ 75.00
<hr/>	
Total	\$ 129.00

***If the Defendant lives **OUT** of Matagorda County the above Service Fee may differ in another county. Please contact the Sheriff's office in that county and ask for the following information: **Who will serve a Civil Citation from Matagorda County? Get the Constable's, or whoever will serve the citation: Name, Address and Phone. Be sure and ask how much they charge to serve a Civil Citation.**

Other fees that may apply to Justice Court Cases:

Jury Fee	\$ 22.00
Subpoena	\$ 75.00
Abstract of Judgment	\$ 5.00
Writ of Execution	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Garnishment	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Possession	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Appeal Transcript Fee	\$ 10.00

Out of County Writs: \$5.00 Writ fee to JP4. The clerk will prepare the Writ and then contact the Plaintiff to hire a person qualified to serve the Writ.

Payments accepted:

Cash (exact amount)

Money Order (exact amount)

Credit Card **in person, by phone, or online:**

www.certifiedpayments.net | 1-866-539-2020

Provide the Bureau Code: 4597212

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	MATAGORDA 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 store rooms and parking areas) located in the above precinct. The address of the property is:

_____	_____	_____	_____	_____
Street Address	Unit No. <i>(if any)</i>	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: \$ _____. 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 _____, 20_____.

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 _____, 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,
- Registered mail, or
- Certified mail return receipt requested.

If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are: _____

JURY REQUEST

- I request a jury trial. *(The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Rule 502.3.)*
- I do not request a jury at this time.

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, Plaintiff, 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 Plaintiff 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, Plaintiff, 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.

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.

Signature of Plaintiff

Signature of Attorney, if any

Plaintiff's Printed Name

Attorney's Printed Name

Plaintiff's Full Address

Attorney's Full Address

Plaintiff's Telephone/Fax

Attorney's Telephone/Fax

SUBSCRIBED AND SWORN to be before me this _____ day of _____, _____.

NOTARY

(SEAL)

CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT 4

MATAGORDA COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

STATE OF TEXAS
COUNTY OF MATAGORDA

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, being by me duly sworn, on oath stated:

“I am the Plaintiff/Attorney for Plaintiff in the above – entitled and numbered cause. I am capable to making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. (<https://scra.dmdc.osd.mil>)”

_____, Defendant, is not in the military.

Plaintiff's Signature

SUBSCRIBED AND SWORN to be before me this _____ day of _____, _____.

NOTARY

(SEAL)