

Filing Instructions

This information is not offered as legal advice, but is procedural information only and may not cover all cases. This court and its staff cannot give legal advice. Legal advice should be sought from a licensed attorney. Texas statutes are available online at: <http://www.statutes.legal.state.tx.us/>

Evictions

Jurisdiction / Venue

The JP precinct in which the property is located has original exclusive jurisdiction. Suits for Eviction which include unpaid rent may not exceed \$10,000. Only unpaid rent may be joined to a Suit to Evict. Any other damages must be brought in a separate suit.

Plaintiff's Burden

Plaintiffs should familiarize themselves with applicable sections of the Texas Property Code and the Rules of Civil Procedure before filing. It is your burden as the Plaintiff to prove your case. Be sure to bring any documents or witnesses necessary to do so. You are not required to be represented by an attorney. You may be represented by your self, an attorney or an Authorized Agent.

Court Rules and Procedures

In Evictions the rules of evidence, discovery and civil procedure DO apply. All parties will be held to these rules, with or without an attorney. If you are not familiar with these rules you should contact an attorney.

After the suit

If you win your Suit for Eviction, or Back Rent /Lease, a defendant has 5 business days to file an appeal before a Writ of Possession can issue. If a money judgment is also awarded, and is not immediately paid, you may pursue several areas of post-judgment enforcement, including but not limited to:

- Abstract of Judgment
- Writ of Execution
- Writ of Garnishment

Seek legal advice from a licensed attorney for help with these and other options.

Justice Court Dress Code

Dress Code - All requirements pertain to both adult and juvenile males and females unless otherwise noted. Failure to comply may result in the resetting of the case to a later date, or in the extreme, contempt of court:

- Shoes are required
- No sleeveless shirts
- No shorts
- No exposed midriffs
- No clothing displaying offensive words or pictures (the Court retains the exclusive right to define "offensive" on an individual basis).
- No hats (exception: religion)
- Cleanliness

Officers of the court are held to the higher standards generally recognized in Texas Courts.

Filing Fees

Type of Case	Filing Fee	Service Fee*	Total
Justice Court / Small Claims	\$41.00	\$80.00	\$121.00
Eviction	\$41.00	\$85.00	\$126.00
*Jury Fee	\$22.00		

NOTE: Service Fees are for Eastland County only and apply for each defendant served.

Misc. Fees

Type of Document	Doc Fee	Service Fee	Total
Abstract of Judgment	\$5.00	-	\$5.00
Writ of Execution	\$8.00	\$150.00	\$158.00
Writ of Possession	\$8.00	\$150.00	\$158.00
Subpoena	\$9.00	\$80.00	\$89.00

Certified Mail / Restricted \$10 to \$15

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: _____ Telephone: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No: _____ E-mail: _____ Signature: _____	2. Names of parties in case: Plaintiff(s): _____ _____ Defendant(s): _____ _____ _____ _____ [Attach additional page as necessary to list all parties]
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Indicate case type, or identify the most important issue in the case (select only 1):

<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

(Landlord/Property Name)

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

NT(S): _____

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

Address _____ Unit No. (if any) _____ City _____ State _____ Zip _____

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:

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.

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

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

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:

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

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 prays 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 as 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: _____

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: _____

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

DEFENDANT'S PHONE NUMBER: _____

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