

**PETITION: EVICTION CASE**

CASE NO. (court use only) \_\_\_\_\_

With suit for Rent

COURT DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

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

PLAINTIFF

(Landlord/Property Name)

Rental Subsidy ( if any) \$

VS.

Tenant's Portion \$

DEFENDANT(S):

TOTAL MONTHLY RENT \$

AND ALL OCCUPANTS

**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
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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 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 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:**

Petitioner'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:

\*LAST 3 NUMBERS OF DRIVER LICENSE:

City State Zip

\*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\_\_\_\_\_.

# NOTICE TO VACATE

Date: \_\_\_\_\_, 20\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

Notice is served this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to \_\_\_\_\_  
\_\_\_\_\_ (renter) and all other occupants now  
in possession of the following premises: \_\_\_\_\_  
\_\_\_\_\_, Silsbee, Hardin County, Texas.

You are hereby notified to vacate the premises you now occupy and deliver possession to the undersigned, for the reason(s) stated below:

- Non-payment of rent
- Breach of the terms of the agreement by: \_\_\_\_\_  
\_\_\_\_\_
- Other: \_\_\_\_\_  
\_\_\_\_\_

I demand possession of the property. This is a notice to vacate the premises within 3 days (by \_\_\_\_\_, 20\_\_). You are directed to remove all your personal property from the premises and return the key to the owner.

If you fail, neglect or refuse to vacate said premises, I will take such legal action as the law requires to put you off said premises.

Respectfully,

\_\_\_\_\_  
OWNER/AGENT

\_\_\_\_\_  
OWNER'S ADDRESS

Cause No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

Vs.

\_\_\_\_\_  
Defendant(s)

§  
§  
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§  
§

IN THE JUSTICE COURT

PRECINCT \_\_\_\_\_

HARDIN COUNTY, TEXAS

**CERTIFICATE OF LAST KNOWN MAILING ADDRESS**

I, \_\_\_\_\_, the undersigned, do hereby certify that the last known address of the Defendant(s) is as

follows:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

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

Certified to by,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Cause No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

Vs.

\_\_\_\_\_  
Defendant(s)

§ IN THE JUSTICE COURT  
§  
§ PRECINCT \_\_\_\_\_  
§  
§ HARDIN COUNTY, TEXAS

**AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)**

Before me the undersigned notary or clerk of the justice court, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury (fine and/or up to one year in jail), stated the following:

My name is \_\_\_\_\_ I am [check one]  the plaintiff or  an authorized agent of the plaintiff in the case described at the top right of this page. I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

*[check or fill in as applicable]*

1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines, or Coast Guard). The facts on which I base my conclusion are as follows:
2. Defendant *[insert name(s)]* \_\_\_\_\_ is on active duty in the U.S. military.
3. Defendant \_\_\_\_\_ has been deployed by the U.S. military to a foreign country.
4. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant is with the U.S. military—except for any defendant named in paragraph 2 above.
5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country—except for any defendant named in paragraph 3 above.
6. Defendant \_\_\_\_\_ has signed, while on active duty, a separate, limited written waiver or a written lease containing a limited waiver of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

\_\_\_\_\_  
Signature of affiant

SWORN TO and SUBSCRIBED before me by on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Notary Public for the State of Texas or  
 Clerk of the Justice Court