

PETITION: EVICTION CASE

IN THE JUSTICE COURT, PRECINCT FOUR, ATASCOSA COUNTY, TEXAS

CASE NO. (Court use only) _____

PLAINTIFF: _____

☐ With suit for Rent Rental Subsidy (if any) \$ _____

DEFENDANT(S) _____

Tenant's Portion \$ _____

☐ And All Other Occupants

TOTAL MONTHLY RENT \$ _____

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

Street Address _____ Unit #(If Any) _____ City _____ State _____ Zip _____

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. 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: Lease Violation (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 _____ 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.

Notice was delivered on the _____ day of _____, 20_____.

Method of delivery: _____

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 plaintiffs bond and defendant's counter bond be set, (2) that plaintiffs 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.

☐ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____

DEFENDANT(S) INFORMATION (if known):

Petitioner's Printed Name _____

DATE OF BIRTH: _____

Signature of: Plaintiff (Landlord/Property Owner) or Agent _____

LAST 3 NUMBERS OF DRIVER LICENSE: _____

LAST 3 NUMBERS OF SOCIAL SECURITY: _____

Mailing Address: City _____ State, _____ Zip _____

DEFENDANTS PHONE NUMBER: _____

Phone & Fax #: _____

BELOW IS FOR COURT USE ONLY

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

CLERK OF THE JUSTICE COURT OR NOTARY

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. _____

_____	§	In the Justice Court
Plaintiff	§	
vs.	§	Precinct Four
_____	§	
Defendant	§	Atascosa County, Texas

BEFORE ME, on this day personally appeared _____,
who, under penalty of perjury, stated that the following facts are true:

I am the ☐ Plaintiff ☐ attorney of record for the Plaintiff in this proceeding.

☐ _____, Defendant, **is not** in military service.

☐ _____, Defendant, **is** in military service.

I know this because _____

_____.

☐ I am unable to determine whether or not the Defendant is in military service.

Signature: _____ Date: _____

Printed Name: _____ Telephone: _____

Address: _____

Email: _____ Fax: _____

THE STATE OF TEXAS §

COUNTY OF ATASCOSA §

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

Justice Court Clerk

NOTARY PUBLIC, State of Texas