

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	MADISON 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 storerooms 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
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**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 or periodic tenancy, which ended on \_\_\_\_\_, 20\_\_.
- Squatter.** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on \_\_\_\_\_, 20\_\_.
- Expiration of Tenancy at Will.** Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable and a demand to surrender possession given 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, or by delivery to a person over the age of 16 years at Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other home or work addresses where Defendant(s) may be served are:

Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

**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.

I hereby request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Agent or Attorney

**Defendant's Information (if known):** Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_ Last three digits of Soc. Sec. No.: \_\_\_\_\_

**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.*

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Attorney, if any

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

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

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

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

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

\_\_\_\_\_

State Bar No.: \_\_\_\_\_

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

## 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 on 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 (print name) \_\_\_\_\_, I am  the plaintiff or  an authorized agent of the plaintiff in the case described at the top 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, Coast Guard or National 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. The defendant named in paragraph 2 above  has or  has not been deployed by the U.S. military to a foreign country or been given orders for change of permanent duty station.
  
- 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is with the U.S. military.
  
- 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether an defendant who is in the U.S. military has been deployed to a foreign country or been given orders for change of permanent duty station.
  
- 6. Defendant (insert name(s)) \_\_\_\_\_ has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U.S. Service members Civil Relief Act of 2003.

\_\_\_\_\_  
Signature of Affiant

SWORN TO AND SUBSCRIBED before me on this \_\_\_\_\_ DAY of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(check on)  
 Notary Public in and for the State of Texas or  
 Clerk of the Justice Court



## MADISON COUNTY JUSTICE OF THE PEACE

101 W. MAIN ST., SUITE 130, MADISONVILLE, TX 77864 ♦ PH: 936-348-5151 ♦ FAX: 936-348-3989

**Civil Process Additional Information:** In order to expedite service, and for the safety of our law enforcement, we ask that you answer the following questions to the best of your ability.

**Note:** Falsifying government documents is illegal and punishable in Court of Law.

	<u>CAUSE NO.</u>	
<p>1. Have you witnessed any abnormal behavior? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>2. Have you known or know of Respondent being violent with anyone? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>3. Have you verbally or physically been assaulted by the Respondent? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>4. Have you known of any occasion where the Respondent has, or brandishes a weapon of any kind? Please note the type of weapon. (i.e., firearm, knife, etc.)</p> <p>Yes <input type="checkbox"/> Type of weapon(s): _____ No <input type="checkbox"/></p>		
<p>5. Does the Respondent have dogs, or any animals known to be aggressive? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>6. Are you aware of any mental or emotional issues that the Respondent may have?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>7. Are you aware of any police-related calls regarding the Respondent? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>8. Are there any other issues you think may be important for the Constables/Deputies to know? (If yes, please explain) Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

**BENEFICIAL THINGS TO REMEMBER:**

- Bring Money Order or Cashier's Check in the amount of \$179
  - \$125 per additional defendant (if more than one defendant)
  
- Did you give the defendant a written notice to vacate before you filed the petition?
- A Physical address must be provided where defendant can be served properly.
- Which Justice Court Precinct is the case of eviction? (Be sure to fill in the space for the precinct on the front page of form)
- Do I have an attorney?
  - If not, you may request a 'Self-Help' packet from a clerk. (The clerk cannot provide you with legal advice)
- Fill out the form completely (with legible writing). Petitioners must sign with a notary present OR a Clerk of the Justice Court.
- Follow up with the court to provide you with the hearing date and time.
- The plaintiff or parties involved **cannot** speak with the judge regarding the eviction case until the hearing date. You may call and communicate with a clerk if you have non-legal questions at:  
PH: 936-348-5151, Mon-Fri, 8:00 AM – 4:30 PM.