

JUDGE DIANE DUPNIK
JUSTICE OF THE PEACE PCT 1
JP1@ARANSASCOUNTY.ORG
PHONE (361)790-0130



2840 HIGHWAY 35 NORTH
ROOM125 ROCKPORT, TX 78382
WWW.ARANSASCOUNTYTX.GOV/JP1
FAX (361)790-5402

PETITION: EVICTION CASE

CASE NO. (court use only) _____

COURT DATE: _____

PLAINTIFF _____

(Landlord/Property Name)

VS.

DEFENDANT(S): _____

DEFENDANT(S) INFORMATION (if known):

DEFENDANT'S PHONE #: _____

DATE OF BIRTH: _____

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

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. 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):

Rental Subsidy (if any) \$ _____

Tenant's Portion \$ _____

TOTAL MONTHLY RENT \$ _____

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 _____

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

Address of Plaintiff (Landlord/Property Owner) or Agent

City State Zip

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

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

CLERK OF THE JUSTICE COURT OR NOTARY

REVISED 10/14

Eviction

No. _____

AFFIDAVIT

SEC. 201(b) Service members Civil Relief Act

Plaintiff/agent/attorney being duly sworn on oath under penalty of perjury (fine and/or up to one year in jail)

Deposes and says that _____, defendant(s) (check one):

- Is not subject to the Service members Civil Relief Act of 2003 or a dependent of a service member.
- Is on active military duty and/or is subject to the Service members Civil Relief Act of 2003.
- Defendant has waived his/her rights under the Service members Civil Relief Act of 2003.
- Service member status of defendant is unknown at this time.

Plaintiff's Agent's Attorney's Signature

Printed Name

STATE OF TEXAS
COUNTY OF ARANSAS

Subscribed and sworn to before me this _____ day of _____, _____.

 Clerk of the Court or Notary Public

JUDGE DIANE DUPNIK
 JUSTICE OF THE PEACE PCT 1
 JP1@ARANSASCOUNTY.ORG
 PHONE (361)790-0130



2840 HIGHWAY 35 NORTH
 ROOM 125 ROCKPORT, TX 78382
 WWW.ARANSASCOUNTYTX.GOV/JP1
 FAX (361)790-5402



JUSTICE COURT CIVIL CASE INFORMATION SHEET

CASE NUMBER (FOR CLERK USE ONLY): _____

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

A 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:	2. Names of parties in case:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p><i>Plaintiff(s):</i></p> <p>_____</p> <p><i>Defendant(s):</i></p> <p>_____</p> <p>_____ [Attach additional page]</p>

3. Indicate case type, or identify the most important issue in the case (select only 1):

<p><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.</p>	<p><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.</p>
<p><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.</p>	<p><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.</p>

Certificate of Last Known Address

The undersigned certifies that the last known mailing address of the Defendant against whom judgment is taken in this proceeding:

Defendant's Name: _____

Defendant's Address: _____

Plaintiff

Attorney of Record for Plaintiff

Address

This document is required to be filed when a judgment is taken by default so that the Court may notify the defendant of the entry of the default judgment.

The Service Members Civil Relief Act, 50 U.S.C. App 507 Et Seq, Passed December 19, 2003, requires the plaintiff in any civil proceeding in which the defendant does not make an appearance to file with the court an affidavit (A) stating whether or not the defendant is in the military service and showing necessary facts to support the affidavit; or (B) if the plaintiff is unable to determine whether or not the defendant is in the military service, stating that the plaintiff is unable to determine whether or not the defendant is in the military service.

PENALTY FOR MAKING OR USING A FALSE AFFIDAVIT: A person who makes or uses a military status affidavit, or statement, declaration, verification, or certificate, knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

Costs for an attorney ad litem may be assessed against the plaintiff as costs of court.

FEES FOR FILING CIVIL SUITS-JUSTICE COURT/SMALL CLAIMS
DOCUMENT OR ACTIVITY

Method of payments: money order, cashier check, and credit/debit card (\$5.95)

JUSTICE COURT

Filing Fee.....\$46.00

Citation Service Fee (each person).....\$75.00

Total fee for Justice Court Suit (one defendant).....\$121.00

JURY FEE.....\$22.00

FILING SUIT WHEN DEFENDANT(S) ARE OUT OF STATE OR OUT OF COUNTY-

Filing Fee ONLY.....\$46.00

Service Fee (contact Constable of that county and precinct for fees)

CERTIFIED MAIL.....\$75.00

ABSTRACT OF JUDGMENT.....\$5.00

WRIT OF EXECUTION (Aransas County)

Fee for filing.....\$5.00

Writ service fee.....\$125.00

Total.....\$130.00