

**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: \_\_\_\_\_

Mailing Address: City \_\_\_\_\_ State, \_\_\_\_\_ Zip \_\_\_\_\_

LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

Phone & Fax #: \_\_\_\_\_

DEFENDANTS PHONE NUMBER: \_\_\_\_\_

**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