

General Procedures for Filing an Eviction for Non-Payment of Rent

Justice of the Peace, Pct. 1

200 S. Crockett, Sherman, TX 75090

(903) 813-4346 main (903) 893-9264 fax

Hours of Operation: 8:00 A.M. – 4:30 P.M. Monday - Friday

1. The tenant must have already failed to pay the rent as agreed. Landlord cannot refuse to accept rent and thereafter claim rent was not paid.
2. The landlord must deliver a written “**Notice to Vacate**” or “**Demand for Possession**” naming each occupant the landlord seeks to evict from the premises. The notice must give the reason for demanding possession. The written notice must give the tenant time to vacate voluntarily. The time to vacate in the notice must be at least (3) three days, unless the landlord and tenant have agreed to a greater or lesser than three day time period in a written lease or agreement.
3. Delivery of the notice must be accomplished by one of the following methods:
 - A. **Handed to a tenant in person.** (Or anyone living at the premise that is at least 16 years old.)
 - B. **Mailed to the tenant** (if mailed the landlord must wait an additional (2) two days to allow for delivery of mail before filing for eviction.)
 - C. **Attached to the inside of the main entry door.**
4. After the notice is delivered, wait until after the notice period expires, then Go to the Justice of the Peace Court in the precinct where the property is located to file a written “**sworn complaint**” for eviction. The court will determine who has a greater right to possession of your property. Forms for filings are available online or at the Justice Court Office.

(Sample wording for the “Notice to Vacate for Non-Payment of Rent)

Dear _____, (Name all Tenants)

Today is the _____ day of _____, 20__.

The rent has not been paid. I demand possession of my rental property. This is a notice that you vacate the premises by _____, 20__ or I will file an eviction suit with a Justice of the Peace Court.

_____, (Landlord)