



**Rita G Noel**

Justice of the Peace

Precinct 4 • Grayson County

P.O. Box 1964

117 S. Mains St.

Van Alstyne, TX 75495

Office: 903-482-6543

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## **EVICTON SUIT PROCEDURE**

Limit of the Court is \$10,000.00

**THE JUDGE CANNOT DISCUSS THIS CASE WITH YOU PRIOR TO THE HEARING. IF YOU HAVE ANY LEGAL QUESTION, YOU MUST CONSULT AN ATTORNEY.**

**TEXAS RULES OF CIVIL PROCEDURE**

**RULES 500-507 AND 510 PART V**

**[texasbar.com](http://texasbar.com)**

**FOR THE PUBLIC**

### **Writ of Possession:**

**This instrument directs the Constable or Sheriff to take possession of the property and turn it over to you. Writ of Possession is \$150.00 service and \$5.00 filing fee for a total of \$155.00. After fees are paid in full the Writ will be turned over to the appropriate Constable or Sheriff for execution of service. Your telephone number and address will also be given to the Constable or Sheriff so they may contact you. Any questions concerning the Writ should be directed to the Constable or Sheriff.**

**(ANY PORTION OF THE HOUR BEYOND 2 HOURS IS AN ADDITIONAL FEE OF \$50.00 PER HOUR OR PORTION**

**OFFICER DOES NOT PHYSICALLY REMOVE ANY PROPERTY FROM THE PREMISES. THE LANDLORD IS RESPONSIBLE FOR REMOVAL**

# Justice Court Civil Case Information Sheet

*Cause Number (for Clerk use ONLY)   JC4-*

**STYLED** \_\_\_\_\_

v.

(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 pleadings 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.

<p><b>1. Contact information for person completing case information sheet:</b></p> <hr/> <p>Name _____</p> <hr/> <p>Address _____ Apt/Suite _____</p> <hr/> <p>City _____ State _____ Zip _____</p> <hr/> <p>Email _____</p> <hr/> <p>Telephone _____</p> <hr/> <p>Fax _____</p> <hr/> <p>State Bar No. _____</p> <hr/> <p>Signature _____</p>	<p><b>2. Names of parties in case:</b></p> <hr/> <p>Plaintiff(s): _____</p> <hr/> <p>Defendant(s): _____</p> <hr/> <hr/> <p style="text-align: center;">[Attach additional page as necessary to list ALL parties]</p>
<p><b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b></p>	
<p><input type="checkbox"/> <b>Debt Claim:</b> 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"/> <b>Eviction:</b> 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"/> <b>Repair and Remedy:</b> 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"/> <b>Small Claims:</b> 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>

Plaintiff(s)/Landlord(s) (Actual Landlord/Property Name)

v.

List all Defendant(s)/Tenant(s) for which eviction is sought

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§
§
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§
§
§
§

In the Justice Court
Precinct 4, Place 1
County of Grayson
State of Texas

Monthly Rent
\$
IF Government Subsidy
Subsidy Amount
\$
Tenant's Portion
\$

COMPLAINT: Plaintiff (Landlord), being duly sworn on oath, hereby files this written complaint against the above named Defendant(s) for eviction from Plaintiff's premises (including storerooms and parking areas), which is located in Justice of the Peace Precinct 4 of Grayson County. Address of the property is:

Street Address Unit No. (if any) City State Zip

SERVICE OF CITATION(S): Plaintiff requests service of citations by personal service at the premises address described above or by alternate service, if necessary. Other Addresses where the Defendant(s) may be served are:

Location Name and Street Address Unit No. (if any) City State Zip

Plaintiff and Defendant(s) have established a landlord tenant relationship by: (check one) [ ] a written lease or agreement, [ ] an oral agreement, [ ] occupancy after foreclosure sale, [ ] occupancy after contract for deed default, [ ] (other)

[ ] UNPAID RENT AS GROUNDS FOR EVICTION: Defendant(s) failed to pay rent for the following time period(s): TOTAL DELINQUENT RENT AS OF DATE OF FILING IS: \$

[ ] 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

[ ] OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS: Lease Violations (if other than non-payment of rent - list lease violations)

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 20 and delivered [ ] in person to the tenant(s), [ ] in person to an occupant at least sixteen years of age, [ ] by mail, [ ] by affixing to the inside of the main entry door. Thereafter Defendant(s) failed to surrender possession of the above described premises by the date specified in the notice to vacate on the day of 20, thereby committing a forcible detainer.

ATTORNEY FEES: Plaintiff [ ] will be or [ ] will NOT be seeking applicable attorney's fees. Attorney's name and contact information is: Attorney Name Street Address Unit No. (if any) City State Zip Phone Number Fax Number Email Address

[ ] 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 notice as required by the Texas Justice Court Rules are served to the Defendant(s) with the Citation for Eviction.

REQUEST FOR JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and the Plaintiff have judgment against Defendant(s) for: possession of premises, including removal of Defendant(s) and Defendant(s) possessions from the premises, applicable unpaid rent, attorney's fees, court costs, and post-judgment interest on the above sums at the highest legal rate.

Printed Name of Petitioner
[ ] I give my consent for any filings, pleadings or notices to be sent to my email address which is:

X
Signature Landlord, Landlord's authorized Agent, or Landlord's Attorney (If Attorney) Bar Card Number
Address
City State Zip
Phone Number Fax Number

SWORN to and SUBSCRIBED before me this day of 20



Notary Public or Clerk of the Court

**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 the plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing to be false, may be fined or imprisoned or both. 50 USC 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://scra.dmdc.osd.mil/>. This website will provide the current active military status of an individual.

**Military Status Affidavit**

Case No. JC \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

Vs.

\_\_\_\_\_  
*Defendant*

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IN THE JUSTICE COURT

GRAYSON COUNTY, TEXAS

PRECINCT 4, PLACE 1

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.

Signed on \_\_\_\_\_

\_\_\_\_\_  
*Signature*

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

\_\_\_\_\_  
Address Apt. # City Zip

\_\_\_\_\_  
Telephone Email Address

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court/Notary Public, State of Texas



## THE SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act (“SCRA”) is a federal law which imposes certain procedural requirements in civil cases to protect members of the armed services and their families. These requirements apply to any court of any state whether or not the court is a court of record.

In any case in which the defendant does not make an appearance, before entering a judgment for the plaintiff the court “shall require the plaintiff to file with the court an affidavit:

- (A) stating whether or not the defendant is in 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 military service, stating that *the plaintiff is unable to determine whether or not the defendant is in military service*.

If the plaintiff fails to file an affidavit under the SCRA in an eviction case, the court may not grant a default judgment. Likewise, if the plaintiff files an affidavit stating that the defendant is not in military service, but fails to “show necessary facts to support the affidavit,” the court may not grant a default judgment.

*(Typically, plaintiffs will attach a printout from the Department of Defense website (<https://www.dmdc.osd.mil/>) but they are not required to use that form as long as they show “necessary facts” to support the affidavit. For example, in one case a plaintiff attached an affidavit from the defendant’s mother stating that he was not in military service.)*

A source that can be used to determine the Military Status of a Defendant, is the following *Service Member’s Civil Relief Act* website:

<https://www.dmdc.osd.mil/>

**Or, if you are unable to use this website you may request Active Duty Verifications by mail:** You must provide a SSN and a last name. The birth date is optional, but suggested when available. The SSN must match for the DMDC to identify an individual as on Active Duty.

Military verification requests by mail can be sent with a self-addressed stamped envelope to the following address.

**Defense Manpower Data Center Attn: Military Verification  
1600 Wilson Blvd., Suite  
400 Arlington, VA 22209-2593**

*Please note Defense Manpower will not process your request without a self-addressed stamped envelope.*