

EVICTIONS

EFFECTIVE 01-01-2023

FILING FEE \$54.00

SERVICE FEE \$95.00

**1 PERSON EVICTION TOTAL
\$149.00**

**EACH ADDITION PERSON
\$95.00**

The Forms for eviction are online at www.co.grayson.tx.us or you can come by our office to pick them up.

The first step to evict is to give a written notice to vacate. You must give at least 3 days. After the 3 days are up you can file the eviction papers. If you know the defendant's date of birth or social security # then you have to go to www.dmdc.osd.mil/appj/scra/scrahome.do , follow the directions and print out military information. If you do not know their date of birth or social security # then you have to have the second page of the eviction papers, affidavit of military service, notarized. If there are 2 or more people being evicted, there must be a military status form signed and notarized for each person. Do not sign the front page of the petition until you are at our office and you sign it in front of the clerk. It is \$54.00 filing fee and \$95.00 service fee, total \$149.00. If there is more than one person being filed on then you would add \$95.00 service fee for each addition person. Once the eviction is filed you will receive a court date, which will be approximately no less than 10 days and no more than 21. Both the Plaintiff and the defendant and notified to be at the hearing. If the Judge finds for the Plaintiff then the defendant has 5 day right of appeal and the Plaintiff has 5 day right of possession. If the Defendant does not leave after 5 days the Plaintiff can file a Writ of possession on the sixth day, which is \$170.00. The Constable will take the writ to the Defendant and they will have 24 hours to get out. If they are not out in 24 hour then the Constable will contact the Plaintiff and make arrangements for the Plaintiff and their crew to meet him at the address and have everything removed from the location to the curb. The Constable will stand by while this is done.

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

Justice of the Peace, Pct. 2
101 W Woodard, Denison, TX 75020
(903) 465-0984 main (903) 464-9718 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. The 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 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 the 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)

The military SCRA form is REQUIRED WHEN FILING A CASE: There is NEVER a fee for using this website:

Official Department of Defense Servicemembers Civil Relief Act (website):
<https://www.dmdc.osd.mil/appj/scra/scrahome.do>

Proper attire will be required for all hearings before the court.

Cost including service, one defendant: \$149.00. Cost for each additional defendant is \$95.00. Writ of Possession is \$170.00.

EVICTION SUIT PROCEDURE

Limit of the Court is \$20,000.00

The Judge **CANNOT** discuss this case with you prior to the hearing. The Clerks **CANNOT** give you legal advice or advise you on any legal questions. If you have legal questions, you **must** consult an attorney or legal aid at 800-906-3045.

Website for legal help or to look for an attorney:

Texasbar.com

Under “helpful Resources” click on “free consumer legal information”

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 \$165.00 service and \$5.00 filing fee for a total of \$170.00.** After fees are paid in full, the Writ will be turned over to the appropriate Constable or Sheriff for execution of service. You may contact the Constable by phone (903-821-4369) or email (putmanm@co.grayson.tx.us) for any questions concerning the Writ after it has been posted.

ANY PORTION OF THE HOUR BEYOND 2 HOURS : AN ADDITIONAL FEE OF \$35.00 PER HOUR OR PORTION IS DUE.

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

EVICTON CHECKLIST

Notice to vacate – (3 day Notice) Instructions and example on General Procedure page.

Military SCRA form - if you do not have date of birth or SS # then you cannot get this form from the website and you must fill out the Non-Military Affidavit, which is the second form in the eviction packet.

This form must be notarized before returning eviction paperwork to the court.

If 2 or more people are being evicted there must be a military status form signed and **notarized** for each person.

Fill out Petition for Eviction and Case information sheet. **Do not sign until in front of Court Clerk.**

Return paperwork to Justice of the Peace Court, with filing fee. Cost for filing eviction is on the bottom of the General Procedure page.

Plaintiff(s)/Landlord(s) (Actual Landlord)

v.

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

COMPLAINT for EVICTION

§
§
§
§
§
§
§

In the Justice Court
Precinct 2, Place 1
County of Grayson
State of Texas

Monthly rent amount is: _____

(For all addresses, you **MUST** include number, street, apartment number, city, state, & zip code.)

Plaintiff, being duly sworn on oath, files this written complaint against the above named Defendant(s) to evict Defendant(s) from Plaintiff's premises, which is located in Justice of the Peace Precinct 2 of Grayson County and which is **described as:**

Phone: _____ FAX: _____

Plaintiff requests service of citation by personal service at the previously described premises or by alternate service, if necessary, under Rule 742 or 742a.

Any work or **other known addresses** for the Defendant(s) known to Plaintiff are as follows:

Phone: _____ FAX: _____

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) _____

Grounds for eviction are: (check) non-payment of rent, holding over, non-rent default by (describe default) _____

Written **notice to vacate** for the grounds stated above was delivered to Defendant(s) at the above described premises on the _____ day of _____, 20____, (check) 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.

(other) _____

Thereafter Defendant(s) failed to surrender possession of the above described premises by the date specified in the **notice to vacate** thereby committing a **forcible detainer**.

Plaintiff requests judgment for Plaintiff(s) against Defendant(s) for possession of the above described premises, for writ of possession, plus \$_____ rent due through today, plus accruing rent at the **daily rate** of \$_____ per day until the date of judgment, plus reasonable attorney fees in the amount of \$_____, plus all costs of court, plus post-judgment interest at the highest legal rate.

I give my consent for the answer and any other motions or pleadings to be sent to my email address which is: _____

Defendant/Tenant Information:

DL# _____
D.O.B. _____ / _____ / _____
SEX _____
RACE _____

X _____
Landlord, Landlord's authorized Agent, or Landlord's Attorney
(if Attorney) Bar Card Number _____

Address _____

Phone (____) _____ FAX (____) _____

SWORN to and SUSCRIBED before me this _____ day of _____, 20____.

(Seal)

(Notary or Clerk of Court) _____

CAUSE NO. _____

_____)	IN THE JUSTICE COURT
PLAINTIFF (S)	
	PRECINT 2
VS.)	
_____)	GRAYSON COUNTY, TEXAS
DEFENDANT	

**AFFIDAVIT OF MILITARY SERVICE
SERVICEMEMBERS CIVIL RELIEF ACT OF 2003, SEC.201 (b)**

On the _____ day of _____, 20____,

_____, Plaintiff (s) in the above entitles and numbered Cause or by Attorney, being duly sworn on oath deposes and certifies to the Clerk of the said Court that the Defendant in the above entitled and numbered Cause:

{ } is not in the military

{ } is not on active duty in the military and/or

{ } in not in a foreign country on military service

{ } is on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003.

{ } Defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.

{ } Defendant's military status is unknown at this time.

Signed this the ____ day of _____, 20____.

PLANTIFF(S) OR BY ATTORNEY

Subscribed and sworn to before me on this the ____ day of _____, 20____.

Notary Public In and for the State of Texas

Penalty for making or using false affidavit: A person who makes or uses an Affidavit, 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.

(Seal)

(Notary or Clerk of Court) _____

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE 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:	
Name: _____	Telephone: _____	Plaintiff(s): _____	
Address: _____	Fax: _____	Defendant(s): _____	
City/State/Zip: _____	State Bar No: _____	_____	
Email: _____		_____	
Signature: _____		[Attach additional page as necessary to list all parties]	
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.		<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.		<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	