



CHRISTINA FOX
Justice of the Peace
Precinct 4 • Grayson County

903-482-6543
PO Box 1964/ 117 S. Main Dr.
Van Alstyne, TX 75495

EVICTIION SUIT PROCEDURE

Limit of the Court is \$20,000.⁰⁰

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

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.

The Writ of Possession is \$180.00 (\$175.00 Constable Fee + \$5.00 Writ Fee)

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 AN HOUR BEYOND 2 HOURS IS AN ADDITIONAL FEE OF \$60.00/ PER HOUR/ PER PORTION).

OFFICER DOES NOT PHYSICALLY REMOVE ANY PROPERTY FROM THE PREMISES.

THE LANDLORD IS RESPONSIBLE FOR REMOVAL.

MONTHLY RENT AMOUNT: _____

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	GRAYSON COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) *(include name, email address, DOB, and last 3 digits of DL & SSN, if known)* : _____

for eviction from Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

Street Address	Unit No. <i>(if any)</i>	City	State	Zip
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GROUND FOR EVICTION: Plaintiff alleges the following grounds for eviction:

☐ **Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____.

The amount of rent claimed as of the date of filing is: \$_____. Defendant

☐ has or ☐ has not been late/delinquent in paying rent before the month in which notice was given. 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.

☐ **Other lease violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____

☐ **Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or periodic tenancy, which ended on _____, 20____.

☐ **Squatter.** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on _____, 20____. Plaintiff ☐ has or ☐ has not attached a Motion for Summary Disposition under Rule 510.10.

☐ **Expiration of Tenancy at Will or by Sufferance.** Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and a demand to surrender possession given on _____, 20____.

MONTHLY RENT AMOUNT: _____

PRE-SUIT NOTICE: Plaintiff has given Defendant(s) a ☐ notice to vacate ☐ notice to pay or vacate (according to Property Code § 24.005(f-3) or (f-4)) and demand for possession. Such notice was delivered on _____, 20____ by this method: _____

SUIT FOR RENT: Plaintiff ☐ does or ☐ does not include a suit for unpaid rent.

ATTORNEY'S FEES: Plaintiff ☐ will be or ☐ will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers are:

IMMEDIATE POSSESSION BOND: If Plaintiff has filed a bond for immediate possession, Plaintiff requests that: (1) the court set the amount of the bond; (2) the court approve the bond; and (3) proper notices, as required by the Texas Rules of Civil Procedure, are given to Defendant(s).

SERVICE OF CITATION: Service is requested on Defendant(s) by: personal service at home or work, or by delivery to a person over the age of 16 years at Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Home or work addresses other than the premises where Defendant(s) may be served are:

Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

RELIEF: Plaintiff requests that Defendant(s) is served with the citation and that Plaintiff is awarded a judgment against Defendant(s) for: possession of the premises, including removal of Defendant(s) and Defendant's possessions from the premises, unpaid rent, if set forth above, attorney's fees if applicable, court costs, and interest on the above sums at the rate stated in the lease, or if not so stated, at the statutory rate for judgments.

☐ I hereby request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

SERVICE BY EMAIL: (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. **Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.**)

☐ Yes, I would like to receive documents related to this case by email at this email address:

☐ No, I do not want to receive any documents by email.

MONTHLY RENT AMOUNT: _____

Respectfully submitted,

Signature of Plaintiff

Signature of Agent or Attorney, if any

Printed Name: _____

Printed Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

State Bar No.: _____

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	GRAYSON COUNTY, TEXAS

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

Instructions: The Servicemember's 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 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. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home> - This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: (*check one*)

- ☐ not on active duty in the military
- ☐ on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- ☐ has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- ☐ military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF JUSTICE OF THE PEACE, PCT. 4

**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.*

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
☐ District ☐ County ☐ Justice Court of:
_____ County, Texas

Certificate of Last Known Mailing Address

1. My name is: _____
First Middle Last

2. I am the Petitioner in this case.

3. The Respondent's name is: _____
First Middle Last

4. I certify that the last known mailing address I have for the Respondent is:

Address City State Zip Country

Respectfully submitted,

Your Signature Date

▶ _____
Your Printed Name Phone

Your Mailing Address City State Zip

Email Address: _____ Fax # (if available) _____