

CAUSE NO. _____

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JUSTICE COURT- EVICTION

JUSTICE OF THE PEACE

PRECINCT 4 PLACE 1

BRAZORIA COUNTY, TEXAS

PLAINTIFF(S)

VS.

DEFENDANT(S)

PETITION

1. **COMPLAINT:** Plaintiff hereby sues Defendant(s) for eviction from Plaintiff's premises located in the above precinct.

2. **ADDRESS OF PROPERTY:** _____

City, State, Zip Code

Check one: Apt House Mobile Home & Lot Lot Rental Only

3. **RENT AMOUNT:** Rent in the amount of \$_____ is due on a _____ basis.

The Defendants rent (check one) is not subsidized by the government is subsidized by the government as follows:

\$_____ paid by the government, and \$_____ paid by the Defendant(s).

4. **DEFENDANT(S) INFORMATION (if known):**

Phone Number: _____ E-mail: _____

Date of Birth: _____ Last 3 Numbers of Driver's License: _____ Last 3 Numbers of Social Security: _____

5. **GROUNDS FOR EVICTION:** Plaintiff entered into an oral/written agreement with the Defendant for occupancy of the leased premises. The Defendant has violated the terms of the agreement by:

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

Other Lease Violations. Defendant(s) breached the terms of the lease as follows:

Holdover. Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or renewal of extension period, which was 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_____.

Expiration of Tenancy at Will. Defendant(s) had no lease agreement and have failed to vacate the premises.

6. **PLAINTIFF'S NOTICE GIVEN TO DEFENDANT(S):**

Defendant(s) has (have) not been previously delinquent in paying rent during the current lease/rental agreement period; therefore, a *Notice to Pay Rent or Vacate* was given on _____ (date).

Defendant(s) has (have) been previously late in paying rent during the current lease/rental agreement period. A notice to *Pay Rent or Vacate* was previously given during this rental agreement period/ lease term on _____ [date(s)]. The Defendant(s) has (have) subsequently become delinquent on rent during the rental period/ lease term. Therefore, a notice was given as follows:

A *Notice to Pay or Vacate* was given to the Defendant(s) on _____ (date).

A *Notice to Vacate* was given to Defendant(s) on _____ (date).

Grounds for eviction are for a cause other than unpaid rent; therefore, a *Notice to Vacate* was given to Defendant(s) on _____ (date).

METHOD OF DELIVERY:

The above indicated notice(s) were provided using the following delivery method:

(check one or more as applicable) personal delivery to Defendant(s), personal delivery to any person residing at the premises who is 16 years of age or older, electronic communication (if Plaintiff & Defendant(s) have agreed in writing to electronic communications) regular mail, registered mail or certified mailed return receipt requested, to the premises; other method of delivery authorized under Section 24.005, Texas Property Code:

7. SUIT FOR RENT: In addition to possession of the premises, Plaintiff (check one) does does not seek a judgment for rent.

The amount of rent claimed as due and unpaid at the time of filing is \$_____, plus rent in the amount of \$_____ per day as may accrue between the date of filing this petition and surrender of premises. 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.

8. ATTORNEY FEES: Plaintiff will be or will not be seeking applicable attorney's fees.

9. SERVICE OF CITATION: Service is requested on Defendant(s) by personal service at the address provided in Section 2 of this form. All other home or work addresses in Brazoria County, known by Plaintiff, where the Defendant(s) may be alternatively served are:

No other home or work addresses of the Defendant are known by the Plaintiff.

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

PLAINTIFF PARTY REPRESENTING PLAINTIFF IN SUIT: (Check one)

Plaintiff Plaintiff's Agent Attorney, Bar Number: _____

Signature: _____ Printed Name: _____

Mailing Address: _____

City, State, Zip _____

Phone No. _____ Fax No. _____

Plaintiff consents to e-mail service of the answer and any other motions or pleadings at:

(E-mail Address) _____

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

Clerk of the Justice Court or Notary

CAUSE NO. _____

_____	PLAINTIFF(S)	§	JUSTICE OF THE PEACE
vs.		§	PRECINCT 4, PLACE 1
_____		§	BRAZORIA COUNTY, TEXAS
_____	DEFENDANT(S)	§	

NOTICE OF DEFENDANT’S LAST KNOWN ADDRESSES

The undersigned certifies that the last known mailing address and e-mail address of the defendant in this case is:

Defendant’s Name:

Defendant’s Last Known Mailing Address:

Defendant’s Last Known E-Mail Address:

(Signature of Plaintiff or Plaintiff’s Attorney of Record) Date

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

This document is required to be filed when a judgment is taken by default so that the Court may notify the defendant of the entry of the default judgment.

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4, PLACE 1
	§	
_____	§	
DEFENDANT	§	BRAZORIA 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://www.dmdc.osd.mil/applj/scra/scraHome.do>. 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/AGENT/ATTORNEY

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

CLERK OF THE JUSTICE COURT OR NOTARY

**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.*