

**PETITION: EVICTION CASE (WITH TEDP INFORMATION)**

CASE NO. \_\_\_\_\_

**With suit for Rent**

Court Date: \_\_\_\_\_ @ \_\_\_\_\_ : \_\_\_\_\_ .M  
In the Justice Court, Precinct 4, Montgomery County, Texas

PLAINTIFF \_\_\_\_\_

(Landlord/Property Name)

VS.

Rental Subsidy (if any) \$ \_\_\_\_\_

Tenant's Portion \$ \_\_\_\_\_

TOTAL MONTHLY RENT \$ \_\_\_\_\_

DEFENDANT(S): \_\_\_\_\_

**AND ALL OTHER OCCUPANTS**

**COMPLAINT:** Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including Storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address	Unit No. (If any)	City	State	Zip
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1. **SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

\_\_\_\_\_

2.  **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: \$** \_\_\_\_\_

*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.*

3.  **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (if other than non-paid rent – list lease violations) \_\_\_\_\_

4.  **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\_\_\_\_\_.

5. **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 \_\_\_ and delivered by this method:  **IN PERSON**  **REGULAR MAIL**  **CERTIFIED MAIL**

6. **TENANT RENTED** this property on or about \_\_\_\_\_, the lease was  **WRITTEN**  **ORAL**, with rent in the amount of \_\_\_\_\_. Per month, due on the \_\_\_\_\_ day of the month. (please attach copy of lease)

7. **MILITARY SERVICE:** Is the Defendant currently on active military duty?  **YES**  **NO**  **UNABLE TO DETERMINE.**  
Please state how you were able to make the above determination \_\_\_\_\_.

DATE STAMP

**EFFECTIVE JANUARY 1, 2022 FILING FEE \$54. SERVICE FEE (PER DEFENDANT) \$75**

8. **ATTORNEY'S FEES:** Plaintiff  **WILL BE** or  **WILL NOT** be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: \_\_\_\_\_

9. **FOR MANUFACTURED HOME COMMUNITIES (ONLY IF APPLICABLE)**

Lien Holder \_\_\_\_\_ Cure Letter Date \_\_\_\_\_  
Lien Holder Address \_\_\_\_\_  
City, State, and Zip \_\_\_\_\_

**REQUEST FOR JUDGMENT:** Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, including removal of defendants and defendants' possessions from the premises, unpaid rent IF set forth above, attorney's fees, court costs, and interest on the above sums at the rate stated in the rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

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

**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).

**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, 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 have reviewed the information about the Texas Eviction Diversion Program available at [www.txcourts.gov/eviction-diversion/](http://www.txcourts.gov/eviction-diversion/).

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

**NOTICE**

**IF YOU REQUIRE AN INTERPRETER, PLEASE NOTIFY THE COURT WITHIN 3 DAYS OF RECEIPT OF THIS NOTICE.**

**SI NECESITA UN INTÉRPRETE, POR FAVOR NOTIFICAR AL CORTE DENTRO DE 3 DIAS DE RECEIBO DE ESTE AVISO.**

\_\_\_\_\_  
Petitioner's Printed Name

\_\_\_\_\_  
Signature of Plaintiff (Landlord/Property Owner) or Agent

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

\_\_\_\_\_  
Address of Plaintiff (Landlord/Property Owner) or Agent

DATE OF BIRTH: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

DEFENDANT'S PHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Phone & Fax No. of Plaintiff (Landlord/Property Owner) or agent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

## Service member's Civil Relief Act Affidavit

**Instructions:** The Service members' 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 plaintiff to file a bond in an amount approved by the court.

To obtain certificates of service or non-service under the Service members' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

CASE NO. \_\_\_\_\_

### AFFIDAVIT

### 50 USC Sec. 520

Plaintiff being duly sworn on oath deposes\* and says that defendant(s) is (are)

(CHECK ONE)

- Not in the military
- Not on active duty in the military
- Not in a foreign country on military service
- On active military duty and/or is subject to the Service members Civil Relief Act of 2003
- Has waived his/her rights under the Service members Civil Act of 2003
- Military status is unknown at this time

DATE STAMP (COURT USE ONLY)

\_\_\_\_\_  
PLAINTIFF

(Select the applicable title under the signature for the jurat below)

Subscribed and sworn to before me no this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK

Notary Public in and for the State of Texas

\_\_\_\_\_  
SEAL

Clerk of the justice Court

**\*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.**