

**FILL OUT ALL SECTIONS COMPLETELY BEFORE FILING PETITION** COURT DATE: \_\_\_\_\_

TIME: \_\_\_\_\_  
[OFFICE USE ONLY]

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT NO. ONE
	§	
_____	§	
DEFENDANT	§	ORANGE COUNTY, TEXAS

**PETITION: EVICTION CASE**

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) (*include name, phone number, 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. (if any)	City	State	Zip

**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\_\_\_\_.

**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: \_\_\_\_\_

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**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:

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**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:

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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.

**REMOTE PARTICIPATION:**

**Hearing by Phone Call:** *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Defendant, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Defendant and understand that I must have a phone to use on the date and time of the hearing.
- No, I am not able to have hearings by phone call.

**Hearing by Video Conference:** *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.
- No, I am not able to have hearings by video conference.

*NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

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 NO. ONE
_____	§	
DEFENDANT	§	ORANGE COUNTY, TEXAS

**SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT**

STATE OF TEXAS COUNTY OF  
ORANGE

BEFORE ME, undersigned authority personally appeared the below-named affiant, who upon oath  
deposed and stated:

My name is \_\_\_\_\_

I am over the age of eighteen (18) years and am competent to make this affidavit.

I am the [Check one]  Plaintiff /or/  Plaintiff's Agent in the above -entitled and numbered matter.

I have made a personal investigation and/or personally reviewed the business records of the plaintiff. As a result  
of the investigation or review, it is my belief that the above-named defendant.

[Check one]

- Is not in the military service on active duty, and is not a dependent of a servicemember on active duty.
- Is in the military service on active duty.
- I have been unable to determine whether or not the defendant is in the military service on active duty.

**I understand that any false statements in this document are made under penalty of perjury, and that  
making a false statement is a violation of Federal Law and is subject to both fine and imprisonment.**

\_\_\_\_\_  
Signature of Affiant

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Court Clerk

**SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)**

If the defendant does not file an answer to the lawsuit, or does not appear in court, the plaintiff will NOT be able to  
receive a “**default judgement**” unless the plaintiff first files with the court a **Servicemembers Civil Relief Act  
Affidavit** stating, under oath, that the defendant is not in the military service on active duty status. A false statement in  
this affidavit is a violation of Federal Law. If a plaintiff does not have personal knowledge of the defendant’s military  
status, the Department of Defense maintains a secure website where plaintiff can obtain a status record.

**The form can be downloaded from the Servicemembers Civil Relief Act (SCRA)  
Website. There is no charge for this form.**

**Website:** <https://scra.dmdc.osd.mil/scra/#/single-record>