

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

PLAINTIFF \_\_\_\_\_ § IN THE JUSTICE COURT  
v. \_\_\_\_\_ §  
DEFENDANT \_\_\_\_\_ § PRECINCT 2  
§  
§  
§ ORANGE 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. (if any)      City      State      Zip

**GROUNDS 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:

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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,

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Signature of Plaintiff

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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 \_\_\_\_.

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CLERK OF THE JUSTICE COURT OR NOTARY

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PLAINTIFF	§	IN THE JUSTICE COURT
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v.	§	PRECINCT 2
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DEFENDANT	§	ORANGE 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-e.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

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PLAINTIFF

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

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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.*