Cause Number: _____

Plaintiff(s): _____ IN THE JUSTICE COURT

Representing Agent/Attorney:_____

Address: _____ PRECINCT THREE

Phone:_____

Vs. WISE COUNTY

Defendant(s):_____

Home Address:_____

Phone:_____

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: _____

_____

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: _____

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.

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.

Respectfully submitted,

_____ _____

Signature of Plaintiff Signature of Agent or Attorney, State bar No.

Address of Plaintiff and or Agent/Attorney: _____
Email for Plaintiff and or Agent/Attorney: _____
Phone # for Plaintiff and/or Agent/Attorney: _____
Fax for Plaintiff and/ or Agent /Attorney: _____

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

_____

CLERK OF THE JUSTICE COURT OR NOTARY

DOCKET NO._____ DEFENDANT'S NAME: _____

AFFIDAVIT

SERVICE MEMBERS CIVIL RELIEF ACT SEC. 201 (b)

***To VERIFY Military Status go to website:** https://scra.dmdc.osd.mil/

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT: **(Please select ONE for DEFENDANT)**

____ IS IN THE MILITARY SERVICE AND ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

____ IS IN THE MILITARY SERVICE AND NOT ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

____ IS NOT IN THE MILITARY SERVICE

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

OR

____ HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003

OR

____ PLAINTIFF IS UNABLE TO DETERMINE WHETHER OR NOT DEFENDANT IS IN MILITARY SERVICE AT THIS TIME

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

***I am not providing proof of military status from the governmental website because:**

_____

_____

Sign Here _____

SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20_____.

_____

CLERK OF THE JUSTICE COURT

NOTARY PUBLIC IN AND FOR STATE OF TEXAS (STRIKE ONE)

Penalty for making or using false affidavit – A person who makes or uses an affidavit knowing to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

****CERTIFICATE OF LAST KNOWN ADDRESS****

In strict compliance with Rule 503.1(d), Texas Rules of Civil Procedure, it is hereby certified that the last known mailing address of Defendant is as follows:

****DEFENDANT'S ADDRESS** CITY, STATE, AND ZIP CODE

Sign Here _____

SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER *(FOR CLERK USE ONLY)*: _____

STYLED _____
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		**2. Names of parties in case:**
Name:	Telephone:	Plaintiff(s):
Address:	Fax:	
City/State/Zip:	State Bar No:	Defendant(s):
Email:		
Signature:		[Attach additional page as necessary to list all parties]

3. Indicate case type, or identify the most important issue in the case *(select only 1)*:

☐ ***Debt Claim***: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than $20,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ ***Eviction:*** An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than $20,000, excluding statutory interest and court costs but including attorney fees, if any.
☐ ***Repair and Remedy***: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than $10,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ ***Small Claims:*** A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than $20,000, excluding statutory interest and court costs but including attorney fees, if any.