

Britt Marquez
Justice of the Peace, Pct. 2
Moore County, Texas
116 E. 5th Street/P.O. Box 834
Sunray, Texas 79086
P: (806)948.5362
F: (806)948.0037

EVICTION SUITS

An eviction suit must be filed in the County and Precinct where the rental property is located.

NOTICE TO VACATE: The landlord must give the tenant a written notice to vacate. It must state the reason for demand of property and give a specific date by which the tenant must vacate the property. The notice must be signed by the landlord or landlord's agent and must include the date and time of delivery to the tenant. The notice to vacate shall be given in person or by mail at the property in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. If the property has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to leave the notice to vacate on the inside of the main entry door, then the landlord may affix the notice to the outside of the main entry door. Notice by mail may be by regular mail.

Unless there is a written lease regulating the notice requirements, the landlord must give the tenant 72 hours (3 days) notice to vacate in cases pertaining to non-payment of rent and/or breach of lease.

WHO MAY FILE: The owner of the property or the owner's agent may file the eviction suit. The agent may represent the owner in cases pertaining to non-payment of rent and holding over. All other types of cases (breach of lease, foreclosure, etc.), must be represented by the owner or the owner's attorney.

SUIT FOR RENT: When an eviction suit is filed for non-payment of rent, the landlord may include in the suit any unpaid back rent that is owed by the tenant. The amount must be within the jurisdictional limit of the Court, which is \$20,000. Any damages, late charges or other charges may not be included in the suit; however, the landlord may file another suit under small claims cases for these amounts.

FILING AN EVICTION SUIT: If the tenant does not vacate the property by the date given in the notice, the landlord or agent may then file an eviction suit. The landlord or agent must fill out a case information sheet, a military affidavit and an eviction petition. The petition and affidavit must be signed in front of the Court Clerk or in front of a notary public. Bring to this office, the information sheet, petition, affidavit, a copy of the notice to vacate and the filing fees in the amount of \$54.00 and service fee of \$90.00 per tenant. Each tenant that has signed the lease must be served with a citation. The exact amount of cash, money order or cashier's check will be accepted. At the time of filing, a hearing date will be set by the Court. The date will be 10 to 21 days from the date of filing. A citation for each tenant will be issued

to the Moore County Sheriff's Office to be served to the tenant. The citation notifies the tenant that they are being sued for eviction and they are commanded to appear at the date and time of hearing. Either party has a right to a Jury Trial. A \$22.00 jury fee must be paid prior to the hearing date.

HEARING: The landlord or landlord's agent must appear in court for the hearing. Proper representation is essential. The landlord or agent must appear with all pertinent evidence pertaining to the case. The burden of proof lies with the landlord. The landlord or agent must show the Court good and sufficient evidence proving right to regain possession of the property.

- If the landlord fails to appear for the hearing, the case will be dismissed by the Court and the landlord will have forfeited all costs and will have to start the process over.
- If the landlord wishes to drop the suit for whatever reason (tenant moves, pays rent, etc.) a letter of dismissal is requested by the Court. Please notify the court prior to the hearing so that the docket can be adjusted.
- A landlord has the right to obtain a Writ of Possession if judgment is in their favor and the tenant did not vacate the premises after five (5) days

If a judgment is rendered in favor of the landlord, the tenant has five (5) days to vacate the property or appeal the decision. Either party has the right to appeal the decision of the Court within five (5) days from the date of judgment.

WRIT OF POSSESSION: A Writ of Possession may not be issued more than sixty (60) days after judgment for possession is signed. The Court may extend the deadline for issuance to ninety (90) days after judgment is signed with good cause. A writ of Possession is a legal document issued to the Sheriff's office by the Court directing them to take possession of the property and turn possession over to the landlord. The fee of this writ is \$180.00. The Sheriff's office is required to give the tenant notice that the writ will be executed not sooner than twenty-four (24) hours after the notice is posted. When the writ has been executed, the Sheriff's office will turn the premises over to the landlord.

IF YOU HAVE ANY QUESTIONS REGARDING PROCEDURES, YOU MAY CONTACT OUR OFFICE. THE JUDGE WILL NOT DISCUSS THE CASE WITH EITHER PARTY PRIOR TO THE HEARING. THE COURT CLERK WILL TRY AND ANSWER ANY PROCEDURAL QUESTIONS; HOWEVER, THE CLERK IS NOT AN ATTORNEY AND WILL NOT ANSWER ANY LEGAL QUESTIONS. IF YOU HAVE ANY LEGAL QUESTIONS, PLEASE CONTACT AN ATTORNEY. THE TEXAS PROPERTY CODE IS ALSO AVAILABLE AT THE PUBLIC LIBRARY.

NOTICE TO VACATE

TO: _____ DATE: _____

TIME: ____:____ __M

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

YOU ARE HEREBY NOTIFIED THAT THIS IS YOUR () THREE 3 () THIRTY 30 (CHECK ONE)
DAY NOTICE TO VACATE THE PREMISES LOCATED AT

WHICH YOU NOW CURRENTLY OCCUPY.

FOR REASONS OF: _____

YOU ARE TO VACATE THE PREMISES ON OR BEFORE MIDNIGHT ON THE

_____ DAY OF _____, _____.

YOUR FAILURE TO MOVE OUT WILL RESULT IN APPROPRIATE LEGAL ACTION BEING
FILED IN THE PROPER COURT TO REMOVE YOU FROM THE PREMISES. YOUR RIGHTS
OF OCCUPANCY AND POSSESSION ARE HEREBY TERMINATED. YOUR LIABILITY HAS
NOT BEEN TERMINATED.

NOTICE WAS () HAND DELIVERED OR () MAILED AND POSTED ON

THE _____ DAY OF _____, _____.

SIGNATURE OF OWNER OR REPRESENTATIVE

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 2
	§	
_____	§	
DEFENDANT	§	MOORE COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) (include name, DOB, and DL number, 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: \$_____. 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, which was on _____, 20__.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to Property Code § 24.005) and demand for possession. Such notice was delivered on the _____, 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:

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. Other home or work addresses 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, 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.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____.

Plaintiff's Printed Name

Signature of Plaintiff or Agent or Attorney

Defendant's Information (if known): Name: _____

Date of birth: _____

Last three digits of Driver License: _____ Last three digits of Soc. Sec. No.: _____

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, Plaintiff, 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 Plaintiff 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, Plaintiff, 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 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

PLAINTIFF

VS.

DEFENDANT

§
§
§
§
§
§

IN THE JUSTICE COURT
PRECINCT 2
MOORE COUNTY, TEXAS

For any civil action where the Defendant does not make an appearance, the Plaintiff must make a statement about the military status of the Defendant (Service member Civil Relief Act of 2003). A default judgment CANNOT be granted against a Defendant without a sworn statement stating whether the defendant is or is not in the military. Complete a form for each Defendant.

The Plaintiff may wish refer to the military status database to determine the military status of the defendant. Attaching information found on this website may not be sufficient to determine the military status of the defendant. Website address: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>

SERVICEMEMBER AFFIDAVIT BY PLAINTIFF OR AFFIANT

I the undersigned affiant state the following facts are based upon my personal knowledge about the Defendant(s). I am over the age of 18 and am of sound mind and memory and make the following statement under penalty of perjury. To the Defendant (check one):

- _____ Is NOT in the military on active duty.
- _____ Is on active military duty and/or is subject to the Service members Civil Relief Act.
- _____ Has waived his rights under the Service members Civil Relief Act of 2003.
- _____ Military status is unknown at this time.

Please state the necessary facts supporting how you personally know the military status of the defendant.

PLAINTIFF

Subscribed and sworn to before me on this the _____ day of _____, 20_____

Notary Public in and for the State of Texas
Judge or Clerk of Court

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
 District County Justice Court of:
_____ County, Texas

Certificate of Last Known Mailing Address

1. My name is: _____
First Middle Last
2. I am the Petitioner in this case.
3. The Respondent's name is: _____
First Middle Last
4. I certify that the last known mailing address I have for the Respondent is:

Address City State Zip

Respectfully submitted,

▶ _____
Your Signature *Date*

_____ () _____
Your Printed Name *Phone*

_____ *City State Zip*

Email Address: _____ *Fax # (if available)* _____