

EVICTIONS

EFFECTIVE 09/01/2013

The Rules for Civil Procedure have changed and fees have increased. The cost to file a Civil case is \$41.00 (filing fee) + \$90.00(service fee) per person to be served. Please see fee schedule. **We accept check, money order, or cash. If paying cash, please bring the exact amount.**

NOTICE

Please read over your paperwork carefully.

If you fail to provide ALL of the information required, your case may be dismissed

- The Judge and Clerks are prohibited from providing legal advice or assisting in filling out forms.
- A copy of the New Rules for Civil Procedure and the Texas Property Code are provided in our office for your review. You may also access these documents on our website.
- You must provide the court with the original, a copy for your records, and 1 copy per defendant (if 2 defendants will be served, then you must provide a copy for each of them) of all documents filed with the court.
- You cannot discuss your case with the Judge outside of the hearing.
- We accept filings Monday thru Friday from 8:00 am to 4:00 pm
- We do NOT serve Out of County Citations. Please notify the clerk so you are not charged for service on an Out of County Citation.
- If your suit is settled out of court and you no longer wish to come to your hearing, please file it in writing with the Court. You may use the form for Non Suit located on our website if you wish.

	<u>Court Fees</u>		<u>Constable Fees</u>
Notice to Vacate			\$ 20.00
Filing of Petition	\$ 41.00	Service of Citation	\$ 90.00/per Defendant Served
Writ of Possession	\$ 5.00 per page	Execution of Writ	\$ 90.00
Abstract of Judgment	\$ 5.00	County Clerk Fee	\$ 16.00

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): _____ _____ Defendant(s): _____ _____ _____ _____ [Attach additional page as necessary to list all parties]
Address: _____	Fax: _____	
City/State/Zip: _____	State Bar No: _____	
Email: _____		
Signature: _____		
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> 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.	<input type="checkbox"/> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	

Eviction Case Packets

Cases may be filed Monday thru Friday from 8:00am to 4:00pm
 Beginning August 31, 2013 Cost is \$41.00 to file and \$90.00 per person served.

PETITION: EVICTION CASE

CASE NO. (court use only) _____

With suit for Rent

COURT DATE: _____

In the Justice Court, Precinct One, Angelina County, Texas

PLAINTIFF _____

(Landlord/Property Name)

Rental Subsidy (if any) \$ _____

VS. _____

Tenant's Portion \$ _____

DEFENDANT(S): _____

TOTAL MONTHLY RENT \$ _____

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

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:

6. **ATTORNEY'S FEES:** Plaintiff will be or will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: _____

7. **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

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: _____

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: _____

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

DEFENDANT'S PHONE NUMBER: _____

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

NOTICE

The Soldiers' and Sailors' Civil Relief Act of 1940 and renamed Service members Civil Relief Act as codified at 50 U.S.C. App. et.seq. and recently amended and passed by the 108th Congress last year requires that in any civil case in which the defendant does not make an appearance, and before entering judgment for the plaintiff, the court must require the plaintiff to file an affidavit that:

- (a) states whether or not the defendant is on active duty in military services and show necessary facts to support the affidavit; or
- (b) If the plaintiff is unable to determine whether or not the defendant is on active duty in military services, states that the plaintiff is unable to determine whether or not the defendant is in military services.

Only if the affidavits establish that the plaintiff is not an active service member can the court proceed with a default judgment in the normal fashion.

NOTICE:

The nonmilitary affidavit must be filed at the time of filing of all evictions and civil suits.

FORM 126 – SERVICEMEMBER’S CIVIL RELIEF ACT

DEFENDANT: _____

**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 AND / OR**
- NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE**
- ON ACTIVE MILITARY DUTY AND / OR IS SUBJECT TO THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003**
- HAS WAIVED HIS / HER RIGHTS UNDER THE SERVICEMEMBERS CIVIL ACT OF 2003**
- MILITARY STATUS IS UNKNOWN AT THIS TIME**

PLAINTIFF

(SELECT THE APPLICABLE TITLE UNDER THE SIGNATURE FOR THE JURAT BELOW)

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

NOTARY / CLERK

- NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS**
- CLERK OF THE JUSTICE COURT**

SEAL

***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.**

The New Rules for Civil Procedure and the Texas Property Code are kept for your viewing during normal business hours. Please check with the clerk.

Helpful Resources

Angelina County – www.angelinacounty.net

Texas Constitution and Statutes: www.statutes.legis.state.tx.us

This site provides complete access to all Texas Codes

Texas Supreme Court: www.supreme.courts.state.tx.us

This site provides access to the complete Rules of Civil Procedure and Rules of Evidence

Texas Legislature Online: www.legis.state.tx.us

This site allows the user to track past and pending House and Senate Bills

Kurth Memorial Library: www.kurthmemoriallibrary.com

Address: 706 S. Raquet St. .. Lufkin, TX 75904 -- Phone: 936-630-0560

Kurth Memorial Library is open 10am to 7pm on Mondays, 9am to 6pm Tuesday through Thursday, 9am to 5:30 on Friday, and 9am to 1pm on Saturdays.

Call The State Bar of Texas Toll-Free at 1-877-9TEXBAR if you need help locating an attorney, you may be eligible for free OT low-cost legal assistance.