

TO THOSE FILING EVICTION SUITS:

1. FILING TIMES FOR EVICTIONS AND WRITS OF POSSESSION:

Eviction Suits and Writs of Possession may be filed Monday through Friday between the hours of 9:00 A.M. and 12:00 noon and from 1:00 P.M. and 4:30 P.M.

2. FILLING OUT YOUR COMPLAINT or PETITION:

You may use the attached complaint or petition if it is proper for your case or submit your own.

- a. A complaint or petition for an eviction must be filed in the precinct where the property is located. **It is your responsibility to file in the proper precinct. This court is precinct one (1).**
- b. You must indicate (by check mark) if you are filing a possession bond or if you plan to ask for back rent with your eviction suit. The complaint must be typed or printed neatly in ink.
- c. Be sure to list all names on the lease agreement and all occupants. There is a \$75.00 service fee charge for each additional name listed on the petition.
- d. The attached petition covers all causes of action except that of Forcible Entry.
- e. State tenant's full address, including apartment number (if applicable), business address or any other address where they may be located.
- f. Paragraph #3 of the attached petition describes 3 separate causes of action. The first blank under paragraph #3 being non-payment of rent. You should list the amounts due and dates due. If you are suing for back rents, the amount owed must be \$10,000.00 or less inclusive of any attorney fees, in order to be filed in this Court. The second blank being some breach of lease by tenant. If neither is chosen, then the last paragraph will cover the cause of action known as owner wants possession.
- g. Paragraph #4 lists holdover beyond a least term. You should list the date the rental term was to have ended.
- h. Paragraph #5 covers any other reason such as lease violation.
- i. Paragraph # 6 requires the Plaintiff to list when the required notice to vacate was delivered to the defendant(s). The standard notice time is three days for nonpayment of rent and holding over. You may contract to a shorter or longer time depending on the original lease agreement.

3. WHAT MUST BE FILED:

- a. One original and one copy of petition.

4. FEES FOR FILING

Fees for filing are payable with cash, cashier's check or money order. **PERSONAL CHECKS ARE NOT ACCEPTED.** If paying with cash, please have correct amount.

5. CASE NUMBERS

Always keep track of your case number(s) so that you can refer to them when calling our office or purchasing writs of possession. (Case number is recorded on your receipt.)

6. DISMISSAL OF EVICTION

Evictions may be dismissed only in open court or by letter. We encourage you as agent for the management to do this when a disposition of this nature has occurred to avoid the constable attempting service to those where service is not necessary.

7. AGENT OR REPRESENTATIVE

You should be familiar with the new Texas Supreme Court ruling regarding representation and service in Eviction cases. (Texas Rules of Civil Procedure, Rules 742a, 747a, and 749c) as well as the new Texas Property Code. A non-owner or non-payment agent may represent the plaintiff in causes of action for non-payment of rent or holding over beyond a rental term ONLY. (Texas Property Code 24.011).

8. TIME AND DATE OF TRIAL SETTING

As plaintiff, you will be notified by this office as to the time and date of the trial setting at the time of filing. Be sure to give us your day time telephone number.

9. RULE 742-A

If the citation was served according to Rule 742-A, (TRCP), by affixing the citation to the door, then you cannot join a suit for back rent and other costs with the eviction. All lawsuits other than evictions must be served according to rule 536.

10. PROHIBITED CONDUCT

The Judge and Clerks ARE PROHIBITED BY LAW from GIVING any LEGAL ADVICE. For legal advice please consult an attorney.

(Ex-Parte Communication), or discussing the case with any member of the Court, including Court Clerks, without the other side present is absolutely forbidden.

FEES FOR FILING AN EVICTION SUIT

	J. P. FEES	CONSTABLE FEES	BCLS FEE	TOTAL
FILING FEE	\$25.00	\$75.00	\$6.00	\$106.00
WRIT OF POSSESSION	\$ 5.00	\$150.00		\$155.00
WRIT OF RE-ENTRY	\$25.00	\$140.00	\$2.00	\$167.00