

## **EVICTION FILING FEES**

\$54.00 Filing Fee

\$75.00 Service Fee per person

(Married couple (with same last name) \$75)

Payment must be (2) separate checks or money orders:

Filing Fee make payable to: **BASTROP COUNTY JP #4**

Service Fee make payable to: **BASTROP COUNTY CONSTABLE PCT #4**

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**BASTROP COUNTY JUSTICE COURT PCT #4**

Judge Larry A. Dunne

1125 Dildy Drive

Elgin, Texas 78621

512-581-7162



**PETITION: EVICTION CASE**

CAUSE NO. 4LT-\_\_\_\_\_ In the Justice Court, Precinct Four, Bastrop County, Texas COURT DATE: \_\_\_\_\_

PETITIONER(S): \_\_\_\_\_  
(Landlord/Property Name)

VS.  
RESPONDENT(S): \_\_\_\_\_

Rental Subsidy (if any) \$ \_\_\_\_\_  
Tenant's Portion \$ \_\_\_\_\_  
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) Gate code (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: \$ \_\_\_\_\_  
Petitioner 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:** Respondent(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:** Petitioner has given Respondent(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 \_\_\_\_\_ 20\_\_\_\_ and delivered by this method:  
\_\_\_\_ Regular Mail \_\_\_\_ Certified Mail \_\_\_\_ Delivery in Person \_\_\_\_ Posted on Door \_\_\_\_ Other (explain) \_\_\_\_\_

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

**REQUEST FOR JUDGMENT:** Petitioner prays that Respondent(s) be served with citation and that Petitioner have judgment against Respondent(s) for: possession of premises, including removal of respondents and respondents' 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.

\_\_\_\_\_  
Petitioner's Printed Name

\_\_\_\_\_  
Signature of Petitioner (Landlord/Property Owner) or Agent

**RESPONDENT(S) INFORMATION** (if known):

\_\_\_\_\_  
Address of Petitioner (Landlord/Property Owner) or Agent

DATE OF BIRTH: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

RESPONDENT'S PHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Phone & Fax No. of Petitioner or Agent

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



THE STATE OF TEXAS  
LARRY A. DUNNE, II

COUNTY OF BASTROP  
JUSTICE OF THE PEACE, PRECINCT 4

CAUSE #: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

IN THE JUSTICE COURT

vs.

Precinct #4

\_\_\_\_\_  
Defendant

BASTROP COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

BEFORE ME, the undersigned authority, on this date, personally appeared \_\_\_\_\_, known to be a credible person, and after being sworn upon his oath did depose and say:

"I, \_\_\_\_\_, Plaintiff in the above-entitled and numbered cause and duly authorized to make this affidavit.

Defendant, \_\_\_\_\_, was not, either at the time of the institution of this suit, or at any time since, been a member of any Military or Naval Service in the United States of America insofar as is now or can be determined by affiant."

Further affiant sayeth not.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

THE STATE OF TEXAS  
COUNTY OF BASTROP

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

(SEAL)

1125 DILDY DRIVE  
ELGIN, TEXAS 78621  
PHONE 512.581.7162 FAX 512.581.7163

# 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:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<p><input type="checkbox"/> <b>Debt Claim:</b> 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.</p>	<p><input type="checkbox"/> <b>Eviction:</b> 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.</p>
<p><input type="checkbox"/> <b>Repair and Remedy:</b> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Small Claims:</b> 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.</p>



LARRY A. DUNNE  
JUDGE

Justice Court  
PRECINCT FOUR  
ELGIN, TEXAS 78621

1125 DILDY DRIVE  
512.581.7162

**GENERAL INFORMATION SHEET**

**IN ORDER TO ASSIST US IN THE TIMELY SERVING OF CIVIL PAPERS, PLEASE FURNISH THE FOLLOWING INFORMATION:**

Plaintiff's Name: \_\_\_\_\_

Plaintiff's Address: \_\_\_\_\_  
\_\_\_\_\_

Plaintiff's Phone Number: \_\_\_\_\_ mobile

\_\_\_\_\_ work/fax

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_  
\_\_\_\_\_

Defendant's Phone number: \_\_\_\_\_ mobile

\_\_\_\_\_ work/fax

Defendant's Place of Employment: \_\_\_\_\_

Employment Address: \_\_\_\_\_

Defendant's work hours: \_\_\_\_\_

ANY OTHER INFORMATION THAT YOU CAN FURNISH WILL HELP GREATLY IN SERVING YOUR PAPERS.

**PLEASE FURNISH EXPLICIT DIRECTIONS OR A MAP IF POSSIBLE.**



LARRY A. DUNNE  
JUSTICE OF THE PEACE, PCT. #4  
BASTROP COUNTY, TEXAS

THESE INSTRUCTIONS ARE A BROAD INTERPRETATION OF THE LAWS THAT APPLY TO **EVICITION SUITS**. ANY LEGAL QUESTIONS OR LEGAL INTERPRETATIONS SHOULD BE BASED UPON YOUR OWN RESEARCH OF THE MATTER OR THE ADVICE OF YOUR ATTORNEY.

## **EVICTION SUIT INFORMATION**

**NOTICE TO VACATE:** You must first give the tenants a **WRITTEN NOTICE TO VACATE**, demanding that the tenants leave the property by a specified deadline.

The notice to vacate must be in writing and must state an unconditional demand for the property. A pay rent or quit premises notice is **not** a valid notice to vacate.

The notice to vacate **shall** be given in person or by mail at the premises in question. Notice in person may be by personal delivery: a) to the tenant or any person residing at the premises who is 16 years of age or older or b) by affixing the notice to the main entry door. c) Notice by mail may be by regular mail or by registered or certified mail, return receipt requested, to the premises in question.

**TIME REQUIREMENTS:** Unless there is a written agreement between the parties regulating the notice requirements, the landlord must give the tenant at least 3 days notice to vacate before filing suit.

A notice to vacate sent by registered or certified mail, return receipt requested, must give the tenant at least 10 days to vacate before filing suit. This notice period is calculated from the day on which the notice is delivered.

**ATTORNEY'S FEES:** To be eligible to recover attorney's fees you must give the tenant a demand that states if the tenant doesn't vacate the premises before the 11<sup>th</sup> day after the date of receipt of the notice and if the landlord files suit, the landlord may recover attorney's fees.

The demand must be sent by registered or certified mail, return receipt requested, at least 10 days before the date the suit is filed.

**WHERE TO FILE:** An Eviction Suit must be filed in the county and the precinct where the property is located.

**WHO MAY FILE:** The owner or owner's agent may file any type of eviction suit, and he may represent the owner in any default hearing.

**JOINING A SUIT FOR RENT:** A suit for rent may be joined with the eviction suit if the amount due is within the jurisdiction of this court (\$20,000.00). Any damages, late charges, or other charges may not be included in this action; HOWEVER, the owner or owner's agent may file suit for these amounts in a separate action filed in either Justice Civil or Small Claims Court.

**FILING SUIT:** The responsibility for filling out your petition rests with you, the plaintiff. The Court Clerk will assist you if you have PROCEDURAL questions. **The cost for filing an Eviction Suit is \$54.00.**

**CITATION:** The citation is given to the Constable for service. **The cost for serving an Eviction Suit citation is \$75.00.**

**PROCEDURES AFTER FILING:** At the time the suit is filed, a hearing date will be set within 6 to 10 days, from the date the defendant was served with the citation. The citation will be given to the Constable to be served on the tenant giving them the date and time of the hearing.

**THE HEARING:** You are required to appear personally for the hearing. Proper representation is essential. At the Court hearing, both sides will have the right to present their sides of the case, including witnesses, receipts, canceled checks, photographs and all other evidence.

You will need to bring with you all evidence pertaining to the case. **THE BURDEN OF PROOF LIES WITH YOU AS THE PLAINTIFF.** You must show the Court good sufficient evidence proving your right to regain possession of the property. **YOU MUST STILL PROVE YOUR CASE, EVEN IF THE DEFENDANT FAILS TO APPEAR.**



**JUDGMENT:** At the hearing, a judgment will be rendered for either the plaintiff or the defendant. A judgment for the plaintiff may be for all or part of the initial claim. If you are awarded judgment for possession and/or any back rent owed, there is a 5-day appeal period in which the defendant may appeal the decision of the Court. If the defendant has not appealed the case at the end of the appeal period, Judgment becomes final. Upon final Judgment you may then file for a Writ of Possession. **THE COURT DOES NOT COLLECT THE JUDGMENT FOR YOU, NOR CAN WE FORCE THE DEFENDANT TO PAY THE JUDGMENT.** Remedies to collect your money (rent) are as follows:

**ABSTRACT OF JUDGMENT:** You may obtain an Abstract of Judgment on the 11<sup>th</sup> day after judgment. You should take the Abstract to the County Clerk's office in the County where the defendant lives or has real property. The purpose of filing an Abstract is to put a lien against REAL PROPERTY in the defendant's name. If the defendant sells any real property within 10 years from the date of judgment, the amount of judgment must be paid with interest. **The fee for obtaining an Abstract of Judgment is \$8.00.**

**WRIT OF EXECUTION:** If you are granted a judgment against the defendant and if the defendant does not appeal, you may file for and obtain a Writ of Execution any time after the 30<sup>th</sup> day from the date of judgment. A Writ of Execution allows a Sheriff or Constable in the State of Texas to try and seize certain non-exempt property from the defendant. If property is seized, an auction is held and the proceeds from the sale satisfy the judgment. **The cost for filing for a Writ of Execution is \$8.00. The cost for serving a Writ of Execution is \$250.00.**

**WRIT OF POSSESSION:** The Writ of Possession directs the Constable to take possession of the property and turn it over to you. A Writ of Possession will cost an additional filing fee of \$8.00 along with an additional service fee of \$250.00 which **must be paid** before the Constable will execute the Writ of Possession.

Your telephone number and address will be given to **Constable Joey Dzienowski** and you will be contacted. Any questions concerning the Writ of Possession should be directed to Constable Dzienowski @ 512-581-7166.

If you have **PROCEDURAL** questions, please contact the Court and we will try to answer them.

**NOTE: DO NOT ASK TO SPEAK TO THE JUDGE, THE JUDGE CANNOT LISTEN TO ANY PORTION OF YOUR CASE AND THEN ACTUALLY HEAR THE CASE AT YOUR HEARING.**

**LEGAL QUESTIONS WILL NOT BE  
ANSWERED BY THE COURT.  
CONSULT WITH AN ATTORNEY.**

**ALL CORRESPONDENCE SHOULD BE ADDRESSED TO:**

**JUDGE LARRY A. DUNNE  
JUSTICE OF THE PEACE, PCT. #4  
1125 DILDY DRIVE  
ELGIN, TEXAS 78621  
512-581-7162  
512-581-7163 fax**