



**CHRISTINA FOX**  
Justice of the Peace  
Precinct 4 • Grayson County

903-482-6543  
PO Box 1964/ 117 S. Main Dr.  
Van Alstyne, TX 75495

## **EVICITION SUIT PROCEDURE**

**Limit of the Court is \$20,000.<sup>00</sup>**

**THE JUDGE CANNOT DISCUSS THIS CASE WITH YOU PRIOR TO THE HEARING.**

**IF YOU HAVE ANY LEGAL QUESTION, YOU MUST CONSULT AN ATTORNEY.**

**TEXAS RULES OF CIVIL PROCEDURE**

**RULES 500-507 AND 510 PART V**

**texasbar.com**

**FOR THE PUBLIC**

### **Writ of Possession:**

**This instrument directs the Constable or Sheriff to take possession of the property and turn it over to you.**

**The Writ of Possession is \$165.<sup>00</sup>**

**After fees are paid in full, the Writ will be turned over to the appropriate Constable or Sheriff for execution of service. Your telephone number and address will also be given to the Constable or Sheriff so they may contact you. Any questions concerning the Writ should be directed to the Constable or Sheriff.**

---

**(ANY PORTION OF AN HOUR BEYOND 2 HOURS IS AN ADDITIONAL FEE OF \$55.<sup>00</sup>/ PER HOUR/ PER PORTION).**

**OFFICER DOES NOT PHYSICALLY REMOVE ANY PROPERTY FROM THE PREMISES.**

**THE LANDLORD IS RESPONSIBLE FOR REMOVAL.**

Monthly Rent
\$ _____
IF Government Subsidy
Subsidy Amount
\$ _____
Tenant's Portion
\$ _____

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

§ IN THE JUSTICE COURT

v.

§

§

§

§

§

§

§

PRECINCT NO. 4

\_\_\_\_\_  
DEFENDANT

GRAYSON COUNTY, TEXAS

**PETITION: EVICTION CASE**

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) \_\_\_\_\_  
\_\_\_\_\_ for eviction of 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
----------------	-------------------	------	-------	-----

**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.

Plaintiff and Defendant(s) have established a **landlord tenant** relationship by: (check one)  
 a written lease or agreement,  an oral agreement,  Occupancy after foreclosure sale,  
 Occupancy after contract for deed default,  Other: \_\_\_\_\_

- GROUND FORS 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 or renewal of extension period, which was the \_\_\_ day  
of \_\_\_\_\_, 20\_\_.

**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 \_\_\_\_\_, 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).

**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):**

Date of birth: \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff or Agent or Attorney

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

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

\_\_\_\_\_  
Phone & Fax No. of Plaintiff  
or Agent or Attorney

**SWORN TO AND SUBSCRIBED** before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	GRAYSON COUNTY, TEXAS

### SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

**Instructions:** The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/applj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

- not on active duty in the military
- on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

\_\_\_\_\_  
PLAINTIFF

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF JUSTICE OF THE PEACE, PCT. 4

*\*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.*

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**            **Country**

Respectfully submitted,

\_\_\_\_\_  
**Your Signature**  **Date**

 \_\_\_\_\_  
**Your Printed Name**  **Phone**

\_\_\_\_\_  
**Your Mailing Address**  **City**  **State**                    **Zip**

**Email Address:** \_\_\_\_\_ **Fax # (if available)** \_\_\_\_\_