

CAUSE NO: _____ COURT DATE: _____ TIME: _____

PLAINTIFF
vs

DEFENDANT(S)
§ IN THE JUSTICE COURT
§
§
§ PRECINCT FIVE
§
§
§ MONTGOMERY COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) *Name, DOB, and DL number, if known, on Page 2* _____ 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: \$ _____. 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 the _____ day of _____, 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 _____ day of _____, 20 ____ by this method: _____

SUIT FOR RENT: Plaintiff does or does not include a suit for unpaid rent. AMOUNT MONTHLY RENT: \$ _____

ATTORNEY'S FEES: Plaintiff will be (List info on Page 2, if any) or will not be seeking applicable attorney's fees.

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 _____.

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.

REQUEST:

- 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 knows of no other home or work addresses of Defendant(s) in this county.

DEFENDANT'(s) INFORMATION: (IN KNOWN)

Defendant Name: _____
Date of Birth: _____
Last three digits of Driver License: _____
Last three digits of Soc. Sec. No.: _____
Phone No.: _____

Defendant Name: _____
Date of Birth: _____
Last three digits of Driver License: _____
Last three digits of Soc. Sec. No.: _____
Phone No.: _____

Respectfully submitted on this the _____ day of _____, 20____.

Signature of Plaintiff or Agent

Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____

Signature of Plaintiff's Attorney, (if any)

Atty Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
State Bar No.: _____

SWORN TO AND SUBSCRIBED before me on _____, 20____.

Clerk of the Justice Court or Notary

CAUSE NO: _____

PLAINTIFF

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MILITARY STATUS AFFIDAVIT

INSTRUCTIONS: The Service Member’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. If it appears that the defendant is in military service, the court may not enter a judgment. To obtain certificates of service or non-service under the Service Member’s Civil Relief Act, you may access the public website at <https://www.dmdc.osd.mil/appli/scra/scraHome.do>. This website will provide the current active military status of an individual.

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

- Not on active duty in the military.
- On active duty in military and/or is subject to the Service Member’s Civil Relief Act of 2003
- Military status is unknown at this time.

CERTIFICATE OF LAST KNOWN ADDRESS: Texas Rules of Civil Procedure, Rule 503.1(d) requires a certificate of last known address to be filed when requesting a default judgment.

Defendant(s) Printed Name: _____
Last Known Address: _____

Printed Name

Signature of Plaintiff, Agent or Attorney

Date: _____

SWORN TO AND SUBSCRIBED before me on _____, 20____.

Clerk of the Justice Court or Notary