

CAUSE NO. _____

Court Date: _____

PLAINTIFF (LANDLORD/OWNER)

§ IN THE JUSTICE COURT

v.

§
§
§ PRECINCT NO. THREE

RESPONDENT(S)

§
§ MONTGOMERY COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Respondent(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
----------------	-------------------	------	-------	-----

GROUND FOR EVICTION: Plaintiff alleges the following grounds for eviction:

- Unpaid rent.** Respondent(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. **A copy of the Lease must be provided at filing.**
- Other lease violations.** Respondent(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____
A copy of the Lease must be provided at filing.
- Holdover.** Respondent(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 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__ 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.

IMMEDIATE POSSESSION BOND: Plaintiff is seeking immediate possession and the 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 notice, as required by the Texas Rules of Civil Procedure, are given to Respondent(s). The Bond is set at: _____ which has been paid by Money Order made out to Montgomery County.

SERVICE OF CITATION: Service will be attempted at the Complaint Address first, and if not successful, service is requested on Respondent(s) by: personal service at home or work, or by delivery to a person over the age of 16 years at Respondent'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 Respondent(s) may be served are (within Montgomery County): _____

Plaintiff knows of no other home or work addresses of Respondent(s) in this county. _____

RELIEF: Plaintiff requests that Respondent(s) is served with the citation and that Plaintiff is awarded a judgment against Respondent(s) for: possession of the premises, including removal of Respondent(s) and Respondent'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 consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____.

I am filing this case as the Agent for the Plaintiff.

Printed Name of Plaintiff or Agent or Attorney

Signature of Plaintiff or Agent or Attorney

Respondent's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

Business Name of Agent or Attorney

Mailing Address

Date of birth: _____

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 PUBLIC IN AND FOR THE STATE OF TEXAS

Instructions: The Servicemembers 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 the 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 plaintiff to file a bond in an amount approved by the court. A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq.
 To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra-w.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

MILITARY STATUS AFFIDAVIT

Cause No. _____

 Plaintiff
 vs

 Respondent

§ In The Justice Court of
 §
 § Precinct No. Three
 §
 § Montgomery County, Texas

Plaintiff being duly sworn on oath deposes and says that respondent(s) is (are)

(CHECK ONE)

- not in the military
- on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003

Certificate of Last Known Address – Texas Rules of Civil Procedure, Rule 503.1(d) requires a certificate of last known address be filed when requesting a default judgment.

Signed on _____.

Signature
 Printed Name: _____
 Address: _____

 Telephone: _____
 Fax: _____
 E-Mail Address: _____

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

 Clerk of the Justice Court -or- Notary Public in and for the State of Texas (STRIKE ONE)

CAUSE NO. _____

Court Date: _____

PLAINTIFF (LANDLORD/OWNER)

§ IN THE JUSTICE COURT

§

§

v.

§ PRECINCT NO. THREE

§

§

RESPONDENT(S)

§ MONTGOMERY COUNTY, TEXAS

VERIFICATON OF COMPLIANCE
WITH SECTION 4024 OF THE CARES ACT

My name is: _____
First Middle Last

I am (*check one*) the Plaintiff or an authorized agent of the Plaintiff in the eviction case described at the top of this page. I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

1. Verification:

a. Plaintiff is seeking to recover possession of the following property:

Name of Apartment Complex (if any)

Street Address & Unit No. (if any) City County State ZIP

I verify that this property is not a "covered dwelling" as defined by Section 4024(a)(1) of the CARES Act. The facts on which I base my conclusion are as follows.

(Please identify which data base or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan.)

(If the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan, please state whether (1) the property is a Low Income Housing Tax Credit (LIHTC) property, (2) the property is federally subsidized under any HUD program, or (3) the property leases to persons with Section 8 vouchers.)

2. **Declaration or Notary:** Complete only one of the two following sections:

a. Declaration: I declare under penalty of perjury that everything in this verification is true and correct.

My name is: _____
First Middle Last

My birthdate is: ____/____/____.
Month Day Year

My address is: _____
Street Address & Unit No. (if any) City County State ZIP

Signed on ____/____/____ in _____ County, Texas.
Month Day Year

Your Signature

OR

b. Notary: I declare under penalty of perjury that everything in this verification is true and correct

Your Printed Name

Your Signature *(sign only before a notary)*

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

Clerk of the Justice Court -or- Notary Public in and for the
State of Texas (STRIKE ONE)