

Cause No. \_\_\_\_\_

Court Date: \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

§ IN THE JUSTICE COURT

§

§

v.

§ PRECINCT NO. THREE

§

§

\_\_\_\_\_  
RESPONDENT

§ MONTGOMERY COUNTY, TEXAS

### PETITION: EVICTION CASE

**COMPLAINT:** Plaintiff hereby sues the following Respondent(s): \_\_\_\_\_

\_\_\_\_\_ 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.** 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.
- Other lease violations.** Respondent(s) breached the terms of the lease (other than by failing to pay rent) as follows: \_\_\_\_\_.
- 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 \_\_\_\_\_, 20\_\_.

**CARES ACT:** I verify that this property  is or  is not a "covered dwelling" as defined by Section 402(a)(1) of the CARES Act.

**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 \_\_\_\_\_, 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:** 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 Respondent(s). \_\_\_\_\_  
\_\_\_\_\_.

**SERVICE OF CITATION:** 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:  
\_\_\_\_\_  
\_\_\_\_\_.

**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 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 have reviewed the information about the Texas Eviction Diversion Program available at [www.txcourts.gov/eviction-diversion/](http://www.txcourts.gov/eviction-diversion/).

\_\_\_\_\_  
Plaintiff's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Agent or Attorney

**Respondent's Information** (if known):

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

\_\_\_\_\_  
Mailing Address

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

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

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

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

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

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT  
-OR- NOTARY PUBLIC IN 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. \_\_\_\_\_

_____	§	In The Justice Court of
Plaintiff	§	
vs	§	Precinct No. Three
_____	§	
Respondent	§	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)