



Judge Jay Mac Sanders
Justice of the Peace
Precinct Three
Montgomery County

1520 Lake Front Circle Suite 100
The Woodlands, TX 77380
Ed Chance Courthouse Annex

Phone: (281) 364-4284
Fax: (281) 367-3947
jp3_main@mctx.org

CAUSE NO. _____

1. Court Date

- A tentative court date will be set at the time the eviction is filed. This date is subject to change depending on the service of the citation. A citation must be served no less than 4 days before your current date. It is the Plaintiff's responsibility to confirm the court date.

2. Notice to Vacate

- A copy of the notice to vacate must be filed at the time of the suit. Notice to vacate must meet the requirements laid out in the Texas Property Code, Sec. 24.005 or you risk having your case dismissed. Please carefully review the notice to vacate date as well as the date you filed.

3. Corporation or other entity representation

- An individual in an eviction suit (whether the plaintiff or the defendant) may represent himself or herself, or be represented by an authorized agent, or by an attorney. Property Code § 24.011; Rule 510.3(a). A corporation or other entity in an eviction suit may be represented by an employee, owner, officer, or partner of the entity who is not an attorney, or be represented by a property manager, or other authorized agent, or by an attorney. Rule 510.3(b). The court may also allow an individual who is representing himself or herself, upon showing good cause, to be assisted in court by a family member or other individual who is not being compensated. Rule 510.3(c).

4. Court Date Reset Requests

- The court must receive a minimum of 3 business days notice for Eviction reset requests prior to the set hearing date, in writing, agreed and signed by both parties.

5. Evidence and Exhibits

- Any evidence or exhibits must be filed with the court prior to your court date. You are responsible for bringing 3 physical colored copies of your evidence or exhibits the day of court organized and labeled. One copy will be provided to Judge, the opposing party, and yourself.

6. Copies of Petition and Filings

- All forms that are being filed in person will stay with the court (petition, lease, etc.). It is your responsibility to have a copy of your document(s) prior to filing. If you request a copy of your documents, an additional charge will be assessed.

This information is provided as a courtesy. **We CANNOT provide you any legal advice.**

Please sign below confirming you have been given a copy of the above court requirements/procedures.

Signature

Date

CAUSE NO. _____

PLAINTIFF

VS.

DEFENDANT

§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO. THREE

MONTGOMERY COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s):

for eviction from Plaintiff's premises 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 ground for eviction:

- ☐ **Unpaid Rent.** ☐ Commercial Lease ☐ Residential Lease: ☐ Written ☐ Oral
- Total amount of rent due and unpaid on date of filing: \$_____.
 - Defendant ☐ has or ☐ has not been late/delinquent in paying rent before the month in which notice was given. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing.
 - Beginning date of Lease (Month and Year): _____ End Date of Lease: _____
 - Rent: \$_____ per _____ (e.g. month, week)
 - Date of last rental payment: _____
- ☐ **Other Lease Violations.** Defendant(s) breached the terms of the lease (other than 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 _____, 20_____.
- ☐ **Squatter.** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on _____, 20_____. Plaintiff ☐ has or ☐ has not attached a Motion for Summary Disposition under Rule 510.10.
- ☐ **Expiration of Tenancy at Will or by Sufferance.** Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and demand to surrender possession given on _____, 20_____.

PRE-SUIT NOTICE: Plaintiff has given Defendant (s) a ☐ notice to vacate ☐ notice to pay or vacate (according to Property Code § 24.005(f-3) or (f-4)) 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 or ☐ will not be seeking applicable attorney's fees.

Attorney's Name: _____

Attorney's Address: _____

Attorney's Phone and Fax Number: _____

JURY REQUEST

- ☐ I request a jury trial. (The fee is \$22.00 and must be paid at least 3 days before trial.)
☐ I do not request a jury at this time.

IMMEDIATE POSSESSION BOND: If Plaintiff has filed a bond for immediate possession, Plaintiff requests that: the court set the amount of the bond; the court approve the bond, and proper notices, as required by the Texas Rules of Civil Procedure; and 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 the Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Home or addresses other than the premises 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.

Respectfully submitted this _____ day of _____, 20_____.

Plaintiff's Printed Name and Title: _____

Signature of Plaintiff/Plaintiff's Attorney: _____

Plaintiff's/Plaintiff's Attorney Mailing Address: _____

Street Address _____ Unit No. (if any) _____ City _____ State _____ Zip _____

Plaintiff's/Plaintiff's Attorney Email Address: _____

Plaintiff's/Plaintiff's Attorney Phone Number: _____

Attorney Bar Number, if applicable: _____

Defendant's Information (if known):

Date of Birth: _____

Last 3 of Driver License: _____

Last 3 of SSN: _____

Phone Number: _____

Email Address: _____

Defendant's Information (if known):

Date of Birth: _____

Last 3 of Driver License: _____

Last 3 of SSN: _____

Phone Number: _____

Email Address: _____

Defendant's Information (if known):

Date of Birth: _____

Last 3 of Driver License: _____

Last 3 of SSN: _____

Phone Number: _____

Email Address: _____

Defendant's Information (if known):

Date of Birth: _____

Last 3 of Driver License: _____

Last 3 of SSN: _____

Phone Number: _____

Email Address: _____

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

Clerk of the Justice Court or Notary

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
VS.	§	PRECINCT NO. THREE
	§	
_____	§	
RESPONDENT	§	MONTGOMERY COUNTY, TEXAS

MILITARY STATUS 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 respondent, the plaintiff must file with the court an affidavit stating whether or not the respondent is in military service. If it appears that the respondent is in military service, the court may not enter a judgment. 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 Respondent 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

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.

Date: _____

Plaintiff's Printed Name

Plaintiff's Signature or Plaintiff's Attorney

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

CLERK OF THE JUSTICE COURT OR NOTARY