# PETITION: EVICTION CASE

CASE NO. (Court use only) _____   ☐ With suit for Rent    COURT DATE: _____

Justice Court, Pct. 1, Lubbock County, Texas

PLAINTIFF_____

(Landlord/Property Name)

VS.

DEFENDANT(S):_____

| | |
|---|---|
| Rental Subsidy (if any) | $_____ |
| Tenant's Portion | $_____ |
| TOTAL MONTHLY RENT | $_____ |

COMPLAINT: Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

_____

Street Address                Unit No. (If any)          City          State          Zip

1. **SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

_____

2. ☐ **UNPAID RENT AS GROUNDS FOR EVICTION:** Defendant(s) failed to pay rent for the following time period(s):
_____. **TOTAL DELINQUENT RENT AS OF 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.

3. ☐ **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (If other than non-paid rent – list lease violations)
_____

4. ☐ **HOLDOVER AS GROUNDS FOR EVICTION:** Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term or renewal of extension period, which was the _____ day of _____, 20_____.

5. **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 _____ and delivered by this method:
_____

6. **ATTORNEY'S FEES:** Plaintiff ☐ will be or ☐ will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are:_____

7. ☐ **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

**REQUEST FOR JUDGMENT:** Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s for: possession of premises, including removal of defendants and defendants' 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 rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

☐ I give my consent for the answer and any other motions or pleadings to be sent to my email address which is:
_____.

**I verify that I have reviewed the information about the Texas Eviction Diversion Program, found at www.txcourts.gov/eviction-diversion.**

_____        _____
Petitioner's Printed Name                Signature of Plaintiff (Landlord/Property Owner) or Agent

**DEFENDANT(S) INFORMATION (if known):**        Address of Plaintiff (Landlord/Property Owner) or Agent
DATE OF BIRTH:_____        _____
*LAST 3 NUMBERS OF DRIVER LICENSE:_____        City          State          Zip
*LAST 3 NUMBERS OF SOCIAL SECURITY:_____        _____
DEFENDANT'S PHONE NUMBER:_____        Phone & Fax No. of Plaintiff (Landlord/Property Owner)or agent

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

_____, CLERK OF THE JUSTICE COURT OR NOTARY

Case No. _____

## AFFIDAVIT
## SEC. 201(b)

Plaintiff being duly sworn on oath deposes and says that defendant(s)

( )  is not in the military

( )  not on active duty in the military and/or

( )  not in a foreign country on military service

( )  is on active military duty and /or is subject to the Servicemembers Civil Relief Act of 2003.

( )  defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.

( )  military status is unknown at this time.

_____
Plaintiff Signature

Subscribed and sworn to before me on this the _____ day of
_____, 20___ .

_____
Notary Public in and for the
State of Texas/or Clerk of the Justice Court

**Penalty for making or using false affidavit – a person who makes or uses
an affidavit know 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.**

****Federal Law (The Serviceman's Civil relief Act of 2003), requires an affidavit stating whether or not the person you are suing is a member of the Military. In some cases, you cannot obtain a Judgment if you od not provide the affidavit.

You can find a person's military status by going to this website:
https://scra.dmdc.osd.mil/
Once you get to the screen, select SINGLE RECORD REQUEST. If you are suing more than one person, you must provide a separate affidavit for each individual. Search each person under SINGLE RECORD REQUEST. If you click MULTIPLE RECORD REQUESTS, you will not be able to proceed without creating a USERNAME and PASSWORD.