

EVICTIION CASE

Please make sure to read all the information provided, and if you still have questions contact a lawyer or other legal resources provided in this packet.

The clerks are not allowed to give legal advice.

You must provide a payment of \$51.00 for the filing fee payable to JP#1, plus additional payment of \$75.00 payable to Bastrop Constable for EACH citation to be served along with the application. If you wish to have someone other than JP1 Constable service the citation, then you would pay that company direct.

(money order, cashier check or business check only)

www.bastrop.tx.us/page/co.justice_peace

DONNA THOMSON
JUSTICE OF THE PEACE
PRECINCT ONE
BASTROP COUNTY, TEXAS



Please read this packet completely before filing your suit. Legal advice can only be obtained from an attorney. Our Court Clerks are trained in procedure only, and cannot give any legal advice. This is for the clerk's protection as well as your own. The following procedural instructions are the only information you will receive from this office. You may need to consult an attorney to protect your interests.

EVICTION SUIT INFORMATION

NOTICE TO VACATE: You must first give the tenants a **WRITTEN NOTICE TO VACATE**, demanding that the tenants leave the property by a specified deadline.

The notice to vacate must be in writing and must state an unconditional demand for the property. A pay rent or quit premises notice is not a valid notice to vacate.

The notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery:

- a. To the tenant or any person residing at the premises who is 16 years of age or older or;
- b. By affixing the notice to the inside of the main entry door.
- c. Notice by mail may be by regular mail or by registered or certified mail, return receipt requested, to the premises in question.

TIME REQUIREMENTS: Unless there is a written agreement between the parties regulating the notice requirements, the landlord must give the tenant at least 3 days notice to vacate before filing suit.

A notice to vacate sent by registered or certified mail, return receipt requested, must give the tenant at least 10 days to vacate before filing suit.

The notice period is calculated from the day on which the notice is delivered.

ATTORNEY'S FEES: To be eligible to recover attorney's fees, you must give the tenant a demand stating that if the tenant does not vacate the premises before the eleventh day after the date of receipt of the notice and if the landlord files suit, the landlord may recover attorney's fees.

The demand must be sent at least 10 days before the date the suit is filed by registered or certified mail, return receipt requested.

WHERE TO FILE: An Eviction suit must be filed in the county and precinct where the property is located.

WHO MAY FILE: The owner's agent may file any type of eviction suit, and he may represent the owner in any default hearing.

JOINING A SUIT FOR RENT: A suit for rent may be joined with the eviction suit if the amount due is within the jurisdiction of this court (\$10,000.00). Any damages, late charges, or other charges may not be included in this action. However, the owner or owner's agent may file suit for these amounts in a separate action filed in either Justice Civil or Small Claims Court.

PROCEDURES AFTER FILING: At the time the suit is filed, a hearing date will be set within 6 to 10 days from the date the defendant was served the citation. The citation will be given to the Constable to be served on the tenant giving them the date and time of the hearing.

THE HEARING: You are required to appear personally for the hearing. Proper representation is essential.

At the court hearing, both sides will have the right to present their respective sides of the case, including witnesses, receipts, canceled checks, photographs, and all other evidence.

You will need to bring with you all evidence pertaining to the case. **THE BURDEN OF PROOF LIES WITH YOU AS THE PLAINTIFF.** You must show the Court good sufficient evidence proving you are right to regain possession of the property. **YOU MUST STILL PROVE YOUR CASE, EVEN IF THE DEFENDANT FAILS TO APPEAR.**

JUDGMENT: At the hearing, a judgment will be rendered for either the plaintiff or the defendant. A judgment for the plaintiff may be for all or part of the initial claim. If the plaintiff is awarded judgment for possession and/or any back rent owed, there is a 5-day appeal period in which the defendant may appeal the decision of the Court. If the defendant has not appealed the case at the end of the appeal period, Judgment becomes final. Upon final judgment, Plaintiff may then file for a Writ of Possession.

WRIT OF POSSESSION: This instrument directs the Constable to take possession of the property and turn it over to you.

The filing fee for a Writ of Possession is \$5.00 and the service fee is \$250.00, which must be paid before the Constable will execute the Writ.

Your telephone number and address will be given to the Constable, who will contact you. Any questions concerning this writ should then be directed to the Constable.

If you have any other procedural questions, please contact this office and we will try to answer them.

NOTE: DO NOT ASK TO SPEAK TO THE JUDGE. THE JUDGE CANNOT LISTEN TO ANY PORTION OF YOUR CASE AND THEN ACTUALLY HEAR THE CASE UPON TRIAL. ANY QUESTIONS SHOULD BE DIRECTED TO THE CLERK AND, IF THERE IS A PROBLEM, THIS WILL BE ADDRESSED TO THE JUDGE BY THE CLERK.

THE COURT MAY NOT ANSWER ANY LEGAL QUESTIONS. PLEASE CONSULT WITH AN ATTORNEY.

DONNA THOMSON
JUSTICE OF THE PEACE
PRECINCT ONE
BASTROP COUNTY, TEXAS

512-581-4258
PO BOX 336 / 803 PINE STREET
BASTROP COURTHOUSE THIRD FLOOR
BASTROP, TEXAS 78602

THE PLAINTIFF WILL NEED TO PROVIDE TO THE COURT TWO SEPARATE CASHIER'S CHECKS OR MONEY ORDERS FOR FILING AND SERVICE FEES. NO PERSONAL CHECKS OR CASH ACCEPTED.

<u>FILING FEES*</u>	SMALL CLAIMS	\$51.00	WRIT	\$5.00
	JUSTICE COURT	\$51.00	ABSTRACT OF JUDGMENT	\$5.00
	EVICTIONS	\$51.00		

***Filing fees are made payable to the Bastrop County Justice of the Peace Pct. 1.**

<u>SERVICE FEES**</u>	SMALL CLAIMS	\$75.00	WRIT OF POSSESSION	\$250.00
	JUSTICE COURT	\$75.00	WRIT OF EXECUTION	\$250.00
	EVICTIONS	\$75.00		

**** Service fees are made payable to the agency serving the citation. Please note that the service fees printed above only apply to Bastrop County and in Bastrop County, they are payable to Bastrop County Constable. The Service fees are per person per address being served.**

IF THERE ARE ANY GENERAL QUESTIONS PLEASE FEEL FREE TO CONTACT THIS OFFICE.

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

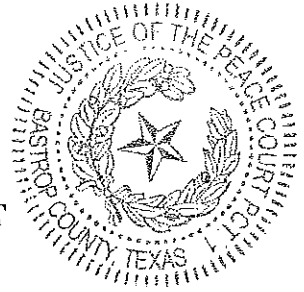
CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: _____	Telephone: _____	Plaintiff(s): _____ _____
Address: _____	Fax: _____	Defendant(s): _____ _____ _____
City/State/Zip: _____	State Bar No: _____	[Attach additional page as necessary to list all parties]
Email: _____		
Signature: _____		
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	



CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO. One

Bastrop COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(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(S) 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 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.** 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 or renewal of extension period, which was the ____ day of _____, 20__.

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 _____, 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. The attorney's name, address, phone and fax numbers are:

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: _____

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

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.

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's Printed Name

Signature of Plaintiff or Agent or Attorney

Defendant's Information (if known):

Date of birth: _____

Address of Plaintiff or Agent or Attorney

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

CAUSE #: _____

(PLAINTIFF) § IN THE JUSTICE COURT

VS. § PCT. 1

(DEFENDANT) § BASTROP COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

BEFORE ME, the undersigned authority, on this date personally appeared _____, known to me to be a credible person, and after being duly sworn upon his oath did depose and say:

"I, _____, Plaintiff in the above-entitled and numbered cause and am duly authorized to make this affidavit.

Defendant, _____, was not, either at the time of the institution of this suit, or at any time since, been a member of any military or naval service in the United States of America insofar as is now or can be determined by affiant."

Further affiant sayeth not.

(signature)

(name)
Affiant

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day _____ to certify which witness my hand and seal of office.

Notary Public in and for State of Texas
State of Texas

Notary's Name (printed):

My commission expires: _____

**Military status must be verified by going online to:
<https://scra-w.dmdc.osd.mil/scra/#/home> OR <https://www.dmdc.osd.mil/scra/#/home>**

A PRINT OUT OF THE SEARCH RESULT WILL NEED TO BE PROVIDED WITH THIS NON-MILITARY AFFIDAVIT TO THE COURT. (PROOF A SAME TO THE COURT). IF NOT PROVIDED, THE CASE WILL BE DISMISSED.

LEGAL ADVICE AND INTAKE CLINICS FOR LOW INCOME INDIVIDUALS

*Co-Sponsored by Volunteer Legal Services of Central Texas,
Texas RioGrande Legal Aid, and
Bastrop County Bar Association*

An evening legal clinic for individuals who wish to apply for free legal services through Texas RioGrande Legal Aid, Volunteer Legal Services, and Bastrop County Bar Association. At the clinic, applicants complete an application and may briefly meet with a volunteer attorney to discuss their legal problem. All applications are then later reviewed to determine if the applicant is eligible for representation.

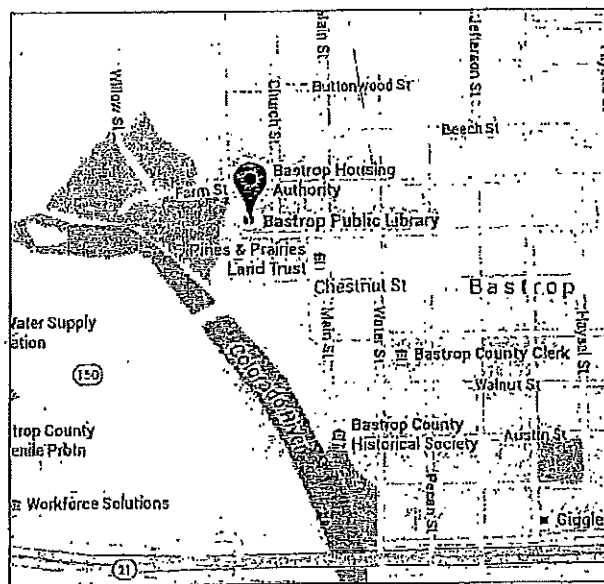
NO CRIMINAL OR IMMIGRATION MATTERS.

WHEN: 1st Tuesday of every month, 5:30-7:30pm

WHERE: Bastrop Public Library

1100 Church St.

Bastrop, TX 78602



Applicants may sign in between 5:30 p.m. and 6:30 p.m. No one will be allowed to sign in after 6:30 p.m.

ADDITIONAL INFORMATION: Spanish language interpreters are available at each clinic. For more information about the clinics, call Texas RioGrande Legal Aid at 512-374-2700, Monday through Friday, 8:00 a.m. - 5:00 p.m.

Legal Resources for the Community

Lawyer Referral Service of Central Texas

512-472-8303 LRS is a public service designed to help you find an attorney or other legal resources or community service organizations. We are a non-profit established in 1966. Through this service, you can obtain a thirty-minute appointment with an attorney that handles your type of case for only \$20.

LegalLine

Call 472-8303 from 5:30 to 7:30 p.m. on the first Tuesday of every month for LegalLine, the free legal advice hotline that answers legal questions over the telephone. Sponsored by the Lawyer Referral Service of Central Texas and Austin Young Lawyers Association, LegalLine is staffed by attorney volunteers who answer legal questions and give brief legal advice.

People's Law School

A community service organized by the Austin Bar Association, UT Law School, the Lawyer Referral Service, and KEYE, the People's Law School features basic classes in many types of law. Classes are taught by attorney volunteers. This year's event will be held Feb. 23, 2008, at the UT Law School.

Texas RioGrande Legal Aid - Austin Office

1-888-988-9996 or 512-374-2700 (Austin) 8 a.m. - 5 p.m. Monday through Friday for general civil legal services. Austin Legal Clinic East Drop-in (no calls) Monday evenings 6 - 7 p.m., Martin Junior High, 1601 Haaskell (Corner of Comal and Haaskell). Austin Legal Clinic North Drop-in (no calls) Wednesday evenings 6 - 7 p.m., Webb Middle School, 601 E. St. John's Ave., Austin.

Fee Disputes For Travis County

512-472-0279 The Austin Bar Association's Fee Dispute Committee handles billing disputes between Travis County attorneys and their clients.

Advocacy, Inc.

800-315-3876 or 512-454-4816 (Austin) Disability-related issues, including access and discrimination

Austin Tenants Council

512-474-7007 (Austin) Housing discrimination based on race, color, religion, sex, national origin, familial status, or disability

Capital Area Agency on Aging

888-622-9111 or 512-916-6062 (Austin) Provides persons over age 60 with abuse/neglect referral, legal awareness education, health care information, long-term care insurance information, public benefits counseling/information, ombudsman services. Also provides assistance with filling out forms, individual advocacy, individualized advice, public interest advocacy, self-help materials and referrals to other agencies

Capital Area AIDS Legal Project

512-458-2437 (Austin) Estate planning, discrimination, debtor counseling, insurance problems, access to health care, public benefits, family law, immigration and other matters encountered by eligible clients

Dispute Resolution Center

512-371-0033 (Austin) Provides alternative dispute resolution services including mediation, mini-trial, moderated conference settlement conference, summary jury trial and arbitration

Family Eldercare, Inc

512-450-0844 (Austin) Guardianships and money management assistance for incapacitated elderly or disabled persons, due to neglect, abuse or exploitation

Political Asylum Project of Austin (PAPA)

512-478-0546 (Austin) Immigration: asylum, cancellation of removal, voluntary departure, VAWA, citizenship, family-based visa petitions, detainees rights

SafePlace

Domestic Violence Hotline: 512-928-9070 (Austin) Sexual Assault Hotline: 512-440-7273 (Austin) www.austin-safeplace.org
Domestic violence services, sexual assault crisis center and services to victims with disabilities

Texas Workforce Commission

512-320-8808 (Austin-Labor Solutions) 512-832-9116 (Austin-North) 512-416-1314 (Austin-Veteran's Ctr) 512-719-4145 (Austin-Workforce Ctr). Provides employment-related assistance including discrimination in employment, education, job search and unemployment insurance; services include general information, individual advocacy, and ombudsman services

Austin Association for Legal Professionals

Austin LSA, Inc. is the association for legal professionals (formerly known as the Austin Legal Secretaries Association, Inc.) is a non-partisan, non-union, non-sectarian, non-profit, and educational organization chartered in 1960 by NALS, Inc. and is affiliated with the Texas Association of Legal Professionals.

State Bar of Texas

1-800-204-2222 or 512-427-1463 (Austin) For information on attorneys -statewide, consumer information publications, and complaints about an attorney.

Jury Duty

Find information about serving on a Travis County jury.

Filing a Grievance - Questions & Answers

1-800-932-1900 Allegations of misconduct by an attorney are very serious, and are reviewed carefully by the Office of the Chief Disciplinary Counsel. If you believe that an attorney has violated the Texas Disciplinary Rules of Professional Conduct, you may report this information to the State Bar in the form of a grievance.

The Legal Hotline for Older Texans

Client calls: 1-800-622-2520 or 512-477-3950 The Hotline offers legal advice and referrals to Texans age 60 and older, provided by staff and volunteer attorneys. Our primary focus is service to low income Texans whose access to legal assistance is otherwise limited.

Travis County Department Directory