For Court Use
File Date: _____
Court Date: _____
Time: _____

Plaintiff's Petition for Eviction

STATE OF TEXAS Cause No. _____
COUNTY OF ROCKWALL

TO THE HONORABLE JUDGE BEN MASSAR, JUSTICE OF THE PEACE IN AND FOR PRECINCT TWO:

PLAINTIFF:_____ **Rental Subsidy (if any)** **$**_____
(Landlord/Property Name) **Tenant's Portion** **$**_____
VS. **TOTAL MONTHLY RENT** **$**_____
DEFENDANT(S):_____

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 and Zip Code

GROUNDS 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. Defendant ☐ has OR ☐ has not been late/delinquent in paying rent before the month in which notice was given.

☐ **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 ended on _____

☐ **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 _____ . Plaintiff ☐ has ☐ has not attached a Motion for Summary Disposition under Rule 510.10

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to chapter 24.005(f-3) or (f-4) Texas Property Code) and demand for possession. The notice was a ☐ ***Notice to Pay or Vacate*** OR the notice was a ☐ ***Notice to Vacate***. Such notice was delivered on _____ (date) 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 give my consent for the answer and any other motions or pleadings to be sent to my email address which is:**

Petitioner's Email

Petitioner's Printed Name

DEFENDANT(S) INFORMATION (if known):

EMAIL:_____

DATE OF BIRTH:_____

*LAST 3 NUMBERS OF DRIVER LICENSE:_____

*LAST 3 NUMBERS OF SOCIAL SECURITY:_____

DEFENDANT'S PHONE NUMBER:_____

Address of Plaintiff (Landlord/Property Owner) or Agent

City State Zip

Phone & Fax No. Of Plaintiff (Landlord/Property Owner) Or Agent

SUIT TO EVICT

THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES.

A TENANT WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE.

CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL ASSISTANCE.

DEMANDA DE DESAHUCIO (DESALOJO).

ESTA DEMANDA DE DESAHUCIO TIENE FECHAS LÍMITES QUE ENTRAN EN VIGOR DE INMEDIATO.

EL ARRENDATARIO (INQUILINO) QUE ESTÉ DESEMPEÑANDO SUS FUNCIONES EN EL SERVICIO MILITAR PUEDE TENER DERECHOS ESPECIALES O PROTECCIÓN EN CONEXIÓN CON ESTA DEMANDA CONFORME A LAS LEYES FEDERALES, INCLUÍDA LA LEY DE PROTECCIÓN PARA MIEMBROS DE LAS FUERZAS ARMADAS (SECCIÓN 501 Y SIGUIENTES DEL APÉNDICE DEL CAP. 50 DEL CÓDIGO DE LOS ESTADOS UNIDOS) O CONFORME A LAS LEYES ESTATALES, INCLUÍDA LA SECCIÓN 92.017 DEL CÓDIGO DE PROPIEDAD DE TEXAS.

PARA ASISTENCIA ENLOCALIZAR A ABOGADO COMUNÍQUESE A LA ASOCIACIÓN DE ABOGADOS DE TEXAS AL NUMERO GRATUITO 1-877-9TEXBAR EN CASO DE NO PODER PAGAR UN ABOGADO. TAL VEZ CALIFIQUE PARA ASISTENCIA LEGAL GRATUITA O BAJO-COSTO.

WHEREFORE, PREMISES CONSIDERED, plaintiff requests that Defendant be cited to answer the complaint: and upon final hearing; Plaintiff PRAYS that Defendant be adjudged GUILTY of forcible detainer; that restitution of the leased premises be made to the Plaintiff; and that Plaintiff recover of Defendant judgment for the amount which Plaintiff may show the court it is entitled to recover including rent, interest, attorney's fees and costs, and for such other relief as Plaintiff may show entitlement.

Declaration

By my signature, I attest under penalty of perjury, that the information contained in this petition is true and correct.

Plaintiff's Printed Name

Agent or Attorney's Signature

Agent or Attorney Address

Plaintiff's Signature

Agent or Attorney Phone & Fax

Date

Court Email: JP2Court@rockwallcountytexas.com

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

50 USC Sec.520

Instructions: The Servicemember's 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 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 the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: https://scra.dmdc.osd.mil/scra/#/home . This website will provide the current active military status of an individual.

Plaintiff being duly sworn on his oath deposes* and says that defendant(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
- ☐ has waived his/her rights under the Servicemembers Civil Relief Act of 2003
- ☐ military status is unknown at this time

Declaration

By my signature, I attest under penalty of perjury*, that the information contained in this petition is true and correct.

_____ _____

Plaintiff's Printed Name Agent or Attorney's Signature

_____ _____

Plaintiff's Signature Date

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