

CAUSE NO. \_\_\_\_\_

§

PLAINTIFF(S) §

vs.

§

§

DEFENDANT(S) §

JUSTICE COURT - EVICTION  
JUSTICE OF THE PEACE  
PRECINCT 4, PLACE 1  
BRAZORIA COUNTY, TEXAS

**PETITION**

1. **COMPLAINT:** Now comes the Plaintiff, \_\_\_\_\_, and makes complaint against the Defendant for eviction from his land and premises and alleges the following: That by virtue of rental agreement by and between Plaintiff and Defendant, the Defendant entered into and upon and took possession of the following described premises situated in said **Precinct 4, Brazoria County, Texas.**

2. **ADDRESS OF PROPERTY:** \_\_\_\_\_ City, State, Zip Code  
Check one:  Apt  House  Mobile Home & Lot  Lot Rental Only

3. **DEFENDANT(S) INFORMATION (if known):** Date of Birth: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Last 3 Numbers of Driver's License: \_\_\_\_\_ Last 3 Numbers of Social Security: \_\_\_\_\_

4. **GROUNDS FOR EVICTION:** Plaintiff entered into an oral/written agreement with the Defendant for occupancy of the leased premises. The Defendant has violated the terms of the agreement by: (check one)

**Unpaid Rent.** Defendant(s) failed to pay rent for the following time period(s): \_\_\_\_\_

**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\_\_\_\_\_.

5. **NOTICE TO VACATE:** Plaintiff delivered to Defendant(s) a notice to vacate in accordance with the applicable notice requirements of the Texas Property Code. Notice to vacate was delivered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by the following method: (check one or more as applicable)  personal delivery to Defendant(s),  personal delivery to any person residing at the premises who is 16 years of age or older,  affixing the notice to the inside of the main entry door of the premises,  regular mail,  registered mail or  certified mailed return receipt requested, to the premises; or other method of delivery authorized under Section 24.005, Texas Property Code.

6. **SUIT FOR RENT:** In addition to possession of the premises, Plaintiff (check one)  does  does not seek a judgment for rent. The amount of rent claimed as due and unpaid at the time of filing is \$\_\_\_\_\_, plus rent in the amount of \$\_\_\_\_\_ per day as may accrue between the date of filing this petition and surrender of premises. 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.

7. **RENT AMOUNT:** Rent in the amount of \$\_\_\_\_\_ is due on a \_\_\_\_\_  Monthly  Yearly basis. The Defendants rent (check one)  is not subsidized by the government  is subsidized by the government as follows: \$\_\_\_\_\_ paid by the government, and \$\_\_\_\_\_ paid by the Defendant(s).

8. **ATTORNEY FEES:** Plaintiff  will be or  will not be seeking applicable attorney's fees.

9. **SERVICE OF CITATION:** Service is requested on Defendant(s) by personal service at the address provided in Section 2 of this form. All other home or work addresses in Brazoria County, known by Plaintiff, where the Defendant(s) may be alternatively served are: \_\_\_\_\_

No other home or work addresses of the Defendant are known by the Plaintiff.

10. **RELIEF:** The Plaintiff requests that Defendant(s) be cited to appear in this matter as required by law; Plaintiff further requests that the Defendant(s) be adjudged guilty of forcible detainer and Plaintiff recover possession of the premises. Plaintiff further requests to recover of Defendant(s) his damages and costs, and other such relief as Plaintiff may be entitled.

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Check one:  Plaintiff  Plaintiff's Agent  Attorney Bar Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Plaintiff consents to e-mail service of the answer and any other motions or pleadings at \_\_\_\_\_ (E-mail Address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/ Appointed Clerk of Court



**Constable James Brawner**  
**Brazoria County Precinct 4**  
**3633 County Road 58, Manvel, Texas 77578**  
**Main Office: 979-345-2115 FAX: 979-345-6434**



In order to expedite service, please **provide as much information** as possible.  
 Please use additional pages for multiple defendants.

DEFENDANT Information (the Person Being Served)-PLEASE PRINT CLEARLY						
Full Name _____ <small style="display: flex; justify-content: space-around; width: 100%;">First                      Middle                      Last</small>					Nickname(s)	
Date of Birth		Drivers Lic. State & #			Soc. Sec. #	
Contact Phone #		Work Contact #			Other Contact #	
Place of Employment & Address						
Service Address (Physical location to deliver papers to the Defendant) <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> OTHER						
<small>Number &amp; Street or County Rd.#</small>		<small>City</small>		<small>Zip Code</small>		
<b>Vehicle Information</b>	Color	Year	Make	Model	License Plate	State
DEFENDANT'S DESCRIPTION- PLEASE PRINT CLEARLY						
Sex Male Female		Race	Hair Color	Eye Color	Height	Weight
<b>Other Identifying Features:</b> (glasses, tattoos, scars, facial hair, etc.)						
<b>Important Info about the Defendant or Location of Service</b> (known to be violent, owns weapons, mentally or physically ill, dog in yard, lock on gate, etc.)						
The best time to serve the Defendant is <input type="checkbox"/> MORNING <input type="checkbox"/> AFTERNOON <input type="checkbox"/> EVENING						
between ____:____ A.M. / P.M. and ____:____ A.M. / P.M. Other: _____						
How may we contact YOU (the PLAINTIFF)?- PLEASE PRINT CLEARLY						
Your Name		Contact Phone #		Other Contact Phone #		Your Address
Any other information you would like to add:						

## **Servicemen's Civil Relief Act (SCRA)**

The One Hundred Eighth Congress of the United States of America amended The Soldiers' and Sailor's Civil Relief Act of 1940 to the "Servicemembers Civil Relief Act" or "SCRA". The full text can be found in H.R. 100, Public Law 108-189.

Some time before taking a default judgment, the **PLAINTIFF MUST PROVIDE THE** Court with an affidavit stating plaintiff's knowledge of the military status of the defendant. The Court *shall* require the filing of the affidavit. [Sec. 201 (b)(1)].

If the military status cannot be determined by information in the affidavit, the Court may require the plaintiff to file a bond in the amount approved by the Court to indemnify the defendant for any damage or loss incurred should the judgment be set aside later. [Sec.20 (b)(3)].

Docket No. \_\_\_\_\_

**I am the**    **Plaintiff**    **Attorney**    **Agent of record for the plaintiff in this proceeding:**

Plaintiff being duly sworn on oath deposes and says that: (affidavit [Sec. 201(b)])

The defendant is **NOT** on active duty in the military or in a foreign country on military service.  
I know this because: \_\_\_\_\_

The defendant is **ON** active military duty and/or is subject to the Servicemembers Relief Act of 2003.  
I know this because: \_\_\_\_\_

The plaintiff is unable to determine if the defendant is in the United States military service.

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

\_\_\_\_\_  
PLAINTIFF

(Select the applicable title or the jurat below)

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 knowing it to be false, shall be fined as provided in the title 18 United States Code, or imprisoned for not more than one year, or both. [Sec. 201 (b)(4)].**