

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

§

PLAINTIFF(S)

§

JUSTICE COURT - EVICTION

vs.

§

JUSTICE OF THE PEACE

§

PRECINCT 4, PLACE 1

DEFENDANT(S)

§

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. **EVICTION DIVERSION PROGRAM:** (This information is required.)

I verify that I have reviewed the Eviction Diversion Program information on the following website:

<https://www.txcourts.gov/programs-services/eviction-diversion-program/>

3. **ADDRESS OF PROPERTY:** \_\_\_\_\_

City, State, Zip Code

Check one:  Apt  House  Mobile Home & Lot  Lot Rental Only

4. **RENT AMOUNT:** Rent in the amount of \$ \_\_\_\_\_ is due on a \_\_\_\_\_ 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).

5. **DEFENDANT(S) INFORMATION (if known):** Date of Birth: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Last 3 Numbers of Driver's License: \_\_\_\_\_ Last 3 Numbers of Social Security: \_\_\_\_\_

6. **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:

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

7. **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.

8. **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.

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

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

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

11. **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

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4, PLACE 1
	§	
_____	§	
DEFENDANT	§	BRAZORIA COUNTY, TEXAS

### SERVICEMEMBER'S CIVIL RELIEF ACT 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 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://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 Defendant 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
- has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

\_\_\_\_\_  
PLAINTIFF/AGENT/ATTORNEY

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

*\*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.*



**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="text-align: center;">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						
Number & Street or County Rd.#		City		Zip Code		
<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:						