

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. 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: (check one) 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): _____
 - I verify that this property is not subject to moratorium on evictions as defined by Section 4024 (a)(1) of the CARES Act.
 - Plaintiff certifies that the Defendant(s) name in this suit: **have** **have NOT** made a declaration under the CDC Federal Eviction Moratorium Order that the Defendant(s) is/are covered person(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.

7. 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.

8. 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).

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

10. SERVICE OF CITATION: All other home or work addresses in Brazoria County, known by Plaintiff, where the Defendant(s) may be alternatively served are: _____

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 _____

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

Notary Public/ Appointed Clerk of Court

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)].

