

EVICTIION CASE

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

THE CLERKS ARE NOT ALLOWED TO GIVE LEGAL ADVICE.

You must provide the following payments to the court with your petition:

\$51.00 payable to JP#1 (Cashier Check, Money Order or Company Check ONLY)

Plus

\$75.00 payable to Bastrop County Constable for EACH citation to be served listed on the application/petition.

<https://www.co.bastrop.tx.us/page/jp1>

HONORABLE CINDY ALLEN
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 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 any 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 or less). 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 10 to 21 day from the date of filing. The citation will be given to the Constable to be served on the tenant giving them notice of 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, ledgers, 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 have the right to regain possession of the property. **YOU MUST STILL PROVE YOUR CASE, EVEN IF THE DEFENDANT FAILS TO APPEAR.**

JUDGEMENT: At the hearing, a judgement 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 for the Court and the service fee is \$250.00 payable to the Constable, 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 AS DEEMED NECESSARY.

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

Honorable Cindy Allen

Justice of the Peace

Precinct One

Bastrop County, Texas

Phone: 512-581-4258

P.O. Box 336 / 803 Pine Street

Bastrop County Courthouse location on the 3rd Floor

Bastrop, Texas 78602

The plaintiff will need to provide to the Court two separate cashier checks, money orders or company checks for filing and service fees. No personal checks or cash accepted.

FILING FEES (payable to the Bastrop County Justice of the Peace Pct 1):

Small Claims	\$51.00	Writ	\$5.00
Debt Claims	\$51.00	Abstract of Judgment	\$5.00
Evictions	\$51.00		

SERVICE FEES (payable to the agency serving the citation; service fees are PER person being served):

Small Claims	\$75.00	Writ of Possession	\$250.00
Debt Claims	\$75.00	Writ of Execution	\$250.00
Evictions	\$75.00		

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:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<p><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.</p>	<p><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.</p>
<p><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.</p>	<p><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.</p>

CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§ IN THE JUSTICE COURT

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PRECINCT ONE

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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 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:

MONTHLY RENT: _____

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



Justice of the Peace

PRECINCT ONE

BASTROP, TEXAS 78602

CINDY ALLEN
JUDGE

P.O. Box 336
(512) 581-4258

General Information Sheet

Please furnish the following information to assist us in the timely serving of civil papers. If more than one Plaintiff or Defendant is listed on your petition/application, then please provide the information for each person on this document or an additional document.

PLAINTIFF'S INFORMATION:

Plaintiff's Name: _____

Plaintiff's Address: _____

Plaintiff's Home Phone Number: _____

Plaintiff's Work Phone Number: _____

Plaintiff's Cell Phone Number: _____

DEFENDANT'S INFORMATION:

Defendant's Name: _____

Defendant's Address: _____

Defendant's Home Phone Number: _____

Defendant's Work Phone Number: _____

Defendant's Cell Phone Number: _____

Thank you.

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>

The information below is pulled from the Austin Bar Association Legal Resources website. These are not suggestion contacts, yet a print of contacts available amongst other resources you may find on your own.

Lawyer Referral Service of Central Texas

LRS is a nonprofit public service that can direct referrals to lawyers who have been screened and qualified. In addition, LRS can provide information about consumer service organizations and government agencies that may be more appropriate to assist with your concern.

512-472-8303 or toll free 866-303-8303

LegalLine – Free Legal Advice Hotline

On the first Tuesday of every month, from 5:30 to 7:30 p.m., attorney volunteers answer legal questions and give brief legal advice by phone.

512-472-8303

Dispute Resolution Center

The DRC is a nonprofit organization that provides and promotes accessible dispute resolution services for all people.

512-371-0033

State Bar of Texas

(Austin) For information on attorneys statewide, consumer information publications, and complaints about an attorney.

800-204-2222 or 512-427-1463

Travis County Jury Duty

Find information about serving on a Travis County jury.

Travis County Department Directory

Provides a list of all Travis County departments with phone and email contact information.

Texas RioGrande Legal Aid

Texas RioGrande Legal Aid is a nonprofit organization that provides free legal services to low income residents in 68 counties of Southwest Texas. To qualify for free legal services from TRLA, an applicant must meet the income, asset, and immigration requirements.

888-988-9996

512-374-2700



Volunteer Legal Services of Central Texas (VLS)

VLS holds regular free legal advice clinics (with some exceptions due to holidays, etc.):

1. Every Wednesday at Webb Middle School (6401 E. St. Johns Avenue) in Austin beginning at 6:00 p.m.;
- * 2. **The first Tuesday of every month at the Bastrop Public Library in Bastrop beginning at 5:30 p.m.; and 1100 Church Street, Bastrop, TX**
3. The second Tuesday of every month at the Centro Cultural Hispano de San Marcos in San Marcos beginning at 6:00 p.m.

Advice cannot be given for criminal or immigration-related matters. Childcare, Spanish translation, security, and free parking are provided at the Wednesday clinic in Austin. Spanish translation and free parking are provided at the Bastrop and San Marcos clinics. Check the VLS website for more details and to confirm clinic dates and locations.

512-476-5550

Texas Law Help

This free online guide offers civil legal information to Texans who cannot afford legal help. Learn about your rights, available self-help resources, and organizations that provide free and low-cost legal aid.

Equal Justice Center

The Equal Justice Centers' mission is to empower low-income workers, families, and communities to achieve fair treatment in the workplace and in the justice system, regardless of immigration status.

Lawyer Referral Service (LRS) of Central Texas

Match Program: LRS offers this reduced fee program for family law matters, uncontested guardianship cases, and drafting simple wills. To qualify, please contact LRS.

Limited Scope Referrals: When you are willing and able to represent yourself (pro se) in a family law matter, such as divorce, but need advice and guidance from a lawyer on a limited basis, limited scope representation may work for you. This is a flat fee service which may include document review, coaching, assisting with negotiations, and representation in court on a limited basis.

To learn more about these LRS programs, call 512.472.8303 or 1.866.303.8303

Capital Area Agency on Aging

This agency helps people over age 60, who have been abused or neglected. The Capital Area Agency on Aging can help with legal awareness education, health care information, long-term care insurance information, public benefits counseling/information, and ombudsman services.

888-622-9111

512-916-6062

Family Eldercare, Inc.

This agency provides guardianships and money management assistance for incapacitated elderly or disabled Americans, due to neglect, abuse, or exploitation.

512-450-0844

The Legal Hotline for Older Texans

The hotline offers legal advice and referrals to Texans age 60 and older provided by staff and volunteer attorneys. Their primary focus is service to low income Texans whose access to legal assistance is otherwise limited.

800-622-2520

512-477-3950