



LARRY A. DUNNE
JUSTICE OF THE PEACE, PCT. #4
BASTROP COUNTY, TEXAS

THESE INSTRUCTIONS ARE A BROAD INTERPRETATION OF THE LAWS THAT APPLY TO **EVICITION SUITS**. ANY LEGAL QUESTIONS OR LEGAL INTERPRETATIONS SHOULD BE BASED UPON YOUR OWN RESEARCH OF THE MATTER OR THE ADVICE OF YOUR ATTORNEY.

EVICTIION 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 notice 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 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. This 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 that states if the tenant doesn't vacate the premises before the 11th 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 by registered or certified mail, return receipt requested, at least 10 days before the date the suit is filed.

WHERE TO FILE: An Eviction Suit must be filed in the county and the precinct where the property is located.

WHO MAY FILE: The owner or owner's agent may file any type of eviction suit, and he may represent the owner in any 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 (\$20,000.00). 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 Small Claims Court.

FILING SUIT: The responsibility for filling out your petition rests with you, the plaintiff. The Court Clerk will assist you if you have PROCEDURAL questions. **The cost for filing an Eviction Suit is \$54.00.**

CITATION: The citation is given to the Constable for service. **The cost for serving an Eviction Suit citation is \$100.00.**

PROCEDURES AFTER FILING: At the time the suit is filed, a hearing date will be set within 10 to 21 days, from the date the defendant was served with the citation. The citation will be given to the Constable to be served on the tenant giving them 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 sides of the case, including witnesses, receipts, canceled checks, photographs 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 your right to regain possession of the property. **YOU MUST STILL PROVE YOUR CASE, EVEN IF THE DEFENDANT FAILS TO APPEAR.**

JUDGMENT: At the hearing, a judgment 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 you are 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 you may then file for a Writ of Possession. **THE COURT DOES NOT COLLECT THE JUDGMENT FOR YOU, NOR CAN WE FORCE THE DEFENDANT TO PAY THE JUDGMENT.** Remedies to collect your money (rent) are as follows:

ABSTRACT OF JUDGMENT: You may obtain an Abstract of Judgment on the 11th day after judgment. You should take the Abstract to the County Clerk's office in the County where the defendant lives or has real property. The purpose of filing an Abstract is to put a lien against REAL PROPERTY in the defendant's name. If the defendant sells any real property within 10 years from the date of judgment, the amount of judgment must be paid with interest. **The fee for obtaining an Abstract of Judgment is \$5.00.**

WRIT OF EXECUTION: If you are granted a judgment against the defendant and if the defendant does not appeal, you may file for and obtain a Writ of Execution any time after the 30th day from the date of judgment. A Writ of Execution allows a Sheriff or Constable in the State of Texas to try and seize certain non-exempt property from the defendant. If property is seized, an auction is held and the proceeds from the sale satisfy the judgment. **The cost for filing for a Writ of Execution is \$5.00. The cost for serving a Writ of Execution is \$250.00.**

WRIT OF POSSESSION: The Writ of Possession directs the Constable to take possession of the property and turn it over to you. **A Writ of Possession will cost an additional filing fee of \$5.00 along with an additional service fee of \$250.00 which must be paid before the Constable will execute the Writ of Possession.**

Your telephone number and address will be given to **Constable Joey Dzienowski** and you will be contacted. Any questions concerning the Writ of Possession should be directed to Constable Dzienowski @ **512-581-7166**.

If you have **PROCEDURAL** questions, please contact the Court 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 BEFORE YOUR HEARING.

**LEGAL QUESTIONS WILL NOT BE
ANSWERED BY THE COURT.
CONSULT WITH AN ATTORNEY.**

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO:

**JUDGE LARRY A. DUNNE
JUSTICE OF THE PEACE, PCT. #4
1125 DILDY DRIVE
ELGIN, TEXAS 78621
512-581-7162
512-581-7163 fax**

EVICTIION FILING FEES

\$54.00 Filing Fee
\$100.00 Service Fee per person
(Married couple (with same last name) \$100.00)

Payment must be (2) separate checks or money orders:

Filing Fee make payable to: **BASTROP COUNTY JP #4**

Service Fee make payable to: **BASTROP COUNTY CONSTABLE #4**

BASTROP COUNTY JUSTICE COURT PCT. 4

LARRY A. DUNNE-JUDGE

1125 DILDY DRIVE

ELGIN, TEXAS 78621

512.581.7162 FAX # 512.581.7163



PETITION: EVICTION CASE

CASE NO. 4LT-_____

☐ **With suit for Rent**

COURT DATE: _____

In the Justice Court, Precinct 4, Bastrop County, Texas

PLAINTIFF _____
(Landlord/Property Name)

VS.
DEFENDANT(S): _____

Rental Subsidy (if any) \$ _____
Tenant's Portion \$ _____
TOTAL MONTHLY RENT \$ _____

COMPLAINT: Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address	Unit No. (If any)	City	State	Zip
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1. **SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

2. ☐ **UNPAID RENT AS GROUNDS FOR EVICTION:** Defendant(s) failed to pay rent for the following time period(s): _____
TOTAL DELINQUENT RENT AS OF 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.

3. ☐ **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (if other than non-paid rent – list lease violations) _____

4. ☐ **HOLDOVER AS GROUNDS FOR EVICTION:** Defendant(s) are unlawfully holding over since they failed 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 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____ and delivered by this method: _____

6. **ATTORNEY'S FEES:** Plaintiff ☐ will be or ☐ will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: _____

7. ☐ **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

REQUEST FOR JUDGMENT: Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, including removal of defendants and defendants' 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 rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

☐ I, the Landlord, have reviewed the State of Texas Eviction Diversion Program @ www.txcourts.gov/eviction-diversion/

Petitioner's Printed Name _____

Signature of Plaintiff (Landlord/Property Owner) or Agent _____

DEFENDANT(S) INFORMATION (if known):

Address of Plaintiff (Landlord/Property Owner) or Agent _____

DATE OF BIRTH: _____

City _____ State _____ Zip _____

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

Phone & Fax No. of Plaintiff (Landlord/Property Owner) or agent _____

DEFENDANT'S PHONE NUMBER: _____

Sworn to and subscribed before me this _____ day of _____, 20____.



THE STATE OF TEXAS
LARRY A. DUNNE, II

COUNTY OF BASTROP
JUSTICE OF THE PEACE, PRECINCT 4

CAUSE #: _____

Plaintiff

IN THE JUSTICE COURT

vs.

Precinct #4

Defendant

BASTROP COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

BEFORE ME, the undersigned authority, on this date, personally appeared _____, known to be a credible person, and after being sworn upon his oath did depose and say:

"I, _____, Plaintiff in the above-entitled and numbered cause and 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)

(printed name)

THE STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on _____ day of _____, 20____ by _____.

Notary Public in and for the State of Texas

(SEAL)

1125 DILDY DRIVE
ELGIN, TEXAS 78621
PHONE 512.581.7162 FAX 512.581.7163

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:
Name: _____	Telephone: _____	Plaintiff(s): _____
Address: _____	Fax: _____	_____
City/State/Zip: _____	State Bar No: _____	Defendant(s): _____
Email: _____		_____
Signature: _____		_____
		[Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
☐ 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
☐ 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	



LARRY A. DUNNE
JUDGE

Justice Court
PRECINCT FOUR
ELGIN, TEXAS 78621

1125 DILDY DRIVE
512.581.7162

GENERAL INFORMATION SHEET

IN ORDER TO ASSIST US IN THE TIMELY SERVING OF CIVIL PAPERS, PLEASE FURNISH THE FOLLOWING INFORMATION:

Plaintiff's Name: _____

Plaintiff's Address: _____

Plaintiff's Phone Number: _____ mobile

_____ work/fax

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone number: _____ mobile

_____ work/fax

Defendant's Place of Employment: _____

Employment Address: _____

Defendant's work hours: _____

ANY OTHER INFORMATION THAT YOU CAN FURNISH WILL HELP GREATLY IN SERVING YOUR PAPERS.

PLEASE FURNISH EXPLICIT DIRECTIONS OR A MAP IF POSSIBLE.