

NOTICE TO VACATE

Date: _____

To: _____

You are hereby notified that I demand from you, within _____ days from the above date, possession of the dwelling at: _____, in the city of _____, Morris County, Texas, now occupied by you.

REASON(S) FOR EVICTION

☐ Non-payment of rent for the time period of _____

☐ Violation of rules and regulations _____

☐ Violation of lease _____

☐ Damages or unreasonable wear and tear to premises _____

☐ Other _____

I certify that the above notice was delivered by me in person to _____ on the _____ day of _____ 202____.

OR
POSTED ON THE FRONT DOOR OF THE RESIDENCE ON _____
Date

OR

☐ I certify that this notice was mailed to the above-named person(s) by sending this notice certified and return receipt requested on the ____ day of _____, 202____.

Owner of property manager (signature)

Cellphone #

CAUSE NO. _____

PETITION FOR EVICTION

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
v.	§	PRECINCT 1
_____	§	
DEFENDANT(S)	§	MORRIS COUNTY, TEXAS

COMPLAINT: Plaintiff hereby sues the following Defendant(s) (include name, DOB, DL, and SSN, if known) _____

for eviction from Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is: _____

Street Name Unit No. City St. Zip Code

GROUND(S) for EVICTION:

☐ **Failure to pay 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.

Subsidized rent by government: \$ _____;

Amount of rent paid by Defendant(s): \$ _____; and

Total amount of rent: \$ _____

☐ **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 periodic tenancy, which ended on _____

☐ **Squatter:** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given of _____

☐ **Expiration of Tenancy at Will:** Defendant(s) had no lease agreement and failed to vacate the premises after being given a termination notice, if applicable and a demand to surrender possession given on _____

☐ **Foreclosure:** Plaintiff purchased the Premises at foreclosure on _____, 202_____

☐ Plaintiff intends to live in the Premises as Plaintiff's primary residence

☐ Defendant(s) is a tenant of the former owner. End date of lease: _____, 202_____.

Notice to Vacate: Plaintiff has given Defendant(s) a written notice to vacate (*according to Property Code § 24.005*) and demand for possession. Such notice was delivered on the _____, 202_____ by this method:

Suit for Rent: Plaintiff ☐ DOES or ☐ DOES NOT include a suit for unpaid rent

Attorney's Fees: Plaintiff ☐ WILL BE of ☐ WILL NOT BE seeking applicable attorney fees. The attorney's name, address, phone/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 the 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 possession of the premises, unpaid rent, if set forth above, attorney's fees, court costs, and interest on the above sum at the rate stated in the lease, or if not 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 be sent to my email: _____

Plaintiff's Printed Name

Signature of Plaintiff/Agent/Attorney

Defendant's Information:

Name: _____

Date of Birth: _____

Last 3 digits of Driver's License: _____

Last 3 digits of SSN: _____

Service by Email: Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, view large attachments, and it is important that you check this email account every day.

Even if you receive some documents by email, you will still receive some documents about this case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.

☐ **Yes, I would** like to receive documents related to this case by email at: _____

☐ **No, I do not want** to receive any documents by email.

Remote Participation:

Hearing by Phone Call: When a hearing happens by phone call, you will be able to talk and hear the judge, plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.

☐ **Yes,** I am able to have any hearings in this case, except a jury trial, by phone call with the judge or plaintiff and understand that I must have a phone to use on the date and time of the hearing.

☐ **No,** I am not able to have hearings by phone call.

Hearing by Video Conference: When a hearing happens by video conference, you can hear, see, and talk to the judge, plaintiff, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.

☐ **Yes,** I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ **No,** I am not able to have hearings by video conference.

Respectfully submitted,

Signature of Plaintiff

Signature of Attorney, if any

Printed Name

Printed Name

Address

Address

Address

Address

Email Address

Email Address

Telephone

Telephone

Fax

Fax

State Bar No.

SWORN TO AND SUBSCRIBED before me on _____, 202_____.

Clerk of the Justice Court or Notary

Cause No. _____

Defendant's Name: _____

AFFIDAVIT

Service Members Civil Relief Act. SEC.201(b)

To verify Military Status go to website: <https://scra.dmdc.osd.mil/scra/#/home>

Plaintiff being duly sworn on his oath deposes and says under penalty of perjury that Defendant: (Please select ONE for Defendant).

- ☐ is in the military service and on active duty in a foreign country;
- ☐ is in the military service and NOT on active duty in a foreign country;
- ☐ is NOT in the military service. In addition to this affidavit, you MUST provide proof of military status before a default judgment can be rendered;
- ☐ has waived his/her rights under the Service Members Relief Act of 2003; and
- ☐ Plaintiff is unable to determine whether or not Defendant is in military service at this time. In addition to the affidavit, you MUST provide proof of military status before a default judgment can be rendered.

I am NOT providing proof of military status from the governmental website because: _____

Signature of Plaintiff/Agent/Attorney for the Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 202_____.

Clerk of The Justice Court/Notary (STRIKE ONE)

Penalty for making or using false affidavit- A person who makes or uses an affidavit knowing to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

CERTIFICATE OF LAST ADDRESS

In strict compliance with Rule 503.1(d), Texas Rules of Civil Procedure, it is hereby certified that the last known mailing address for the Defendant is as follows:

Defendant's Address City State Zip Code

Signature of Plaintiff/Agent/Attorney for Plaintiff

Constable Worksheet

Please provide the following information:

Defendants Name: _____

Cell Phone: _____ Work Number: _____ ☐ Male ☐ Female

Date of Birth: _____ Race: _____

Place of employment and address: _____

Shift: ☐ Days ☐ Evenings ☐ Nights Hours: _____

Physical Address, including county road, street name, directions, etc.: _____

Description of House: _____

When is the best time to serve the Defendant? _____

Vehicle: Year: _____ Make: _____ Model: _____ Color: _____ LP#: _____

Do you know or suspect the Defendant of having any:

☐ Warrants for their arrest: _____ ☐ Weapons: _____

☐ Medical/Mental health problems: _____

☐ Violent behavior or threats towards you or others: _____

☐ Active/Former Military/ Law Enforcement: _____

☐ Drug or Alcohol abuse: _____

☐ Threats of violence towards Law Enforcement: _____

☐ Are there aggressive dogs at the location: _____

☐ Suspected drug activity: _____

☐ Other suspicious activity or any other concerns: _____

Office only: File date/time: _____