

## Steps of Evictions

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1. An eviction must be filed in the Justice precinct where the rental property is located.
2. Texas Property Code, Sec. 24.005 sets out the notice requirements for eviction suits. (Unless the notice requirements are stated in the signed lease.)
3. The notice to vacate must be in writing and should be unconditional, i.e., it should tell the tenant to vacate by a specific date in no uncertain terms (three day minimum).
4. Unless there is an agreement between the parties shortening the notice requirements, the landlord must wait three days after the notice to vacate is served before filing the eviction.
5. When filing, the landlord should bring the following:
  - a. A copy of the lease or another agreement.
  - b. A copy of the notice to vacate
  - c. \$121.00 for filing and service on one person (additional service is \$75.00 per person)
  - d. All work and residence addresses and telephone numbers of the tenant(s) known by the landlord
6. Generally, all parties named in the lease should be sued and served with a citation in the eviction proceeding. Any judgment granted will run only against those who are specifically named and served.
7. The owner's agent may file any type of eviction suit and may represent the owner at any default judgment hearing. If the case is contested an agent may represent either party if the case involves non-payment of rent or holding over. The parties or their attorneys must try all other types of evictions if the case is contested.
8. A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the justice court (<\$10,000). Charges for items other than rent cannot be joined with suit for eviction.
9. A court date will be set at the time the eviction is filed with the court. This date will appear on the Defendant's citation. Both parties are expected to appear at that date/time. Any continuance request must be in writing, in a timely manner (not to exceed 6 days).
10. Under the Texas Rules of Civil Procedure, either party to the lawsuit has five days to appeal the courts decision. The filing of an appeal bond or paupers oath by that time completes the appeal. A properly filed appeal stops all further justice court proceedings until there is a resolution by the county court-at-law.
11. If neither party appeals, the landlord may obtain a Writ of Possession from the court after the five (5) day period for appeal has passed. The writ fee of \$200.00 is payable to JP court to cause the tenant to vacate the premises. Questions involving the execution of the writ should be directed to the appropriate constable's office.
12. An Immediate Possession Bond can speed the evictions process. Ask the civil clerk for details.

This information is not legal advice and is no substitute for the advice of an attorney.

**Note:** Please don't ask the clerks or Judges for legal advice. The Judge and the court staff are not allowed to give you legal advice or act as your attorney. When you choose to represent yourself in court, it is your responsibility to protect your rights by informing yourself of law and procedures that affect your case.