

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF § IN THE JUSTICE COURT  
§  
v. § §  
§ § PRECINCT 2  
§  
\_\_\_\_\_  
DEFENDANT § NACOGDOCHES COUNTY, TEXAS

PETITION – EVICTION CASE (WITH TEDP INFORMATION)

COMPLAINT: Plaintiff hereby sues the following Defendant(s): \_\_\_\_\_

\_\_\_\_\_ for eviction from 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(S) 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 \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_ by this method: \_\_\_\_\_

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: \_\_\_\_\_
- I have reviewed the information about the Texas Eviction Diversion Program available at [www.txcourts.gov/eviction-diversion/](http://www.txcourts.gov/eviction-diversion/).

\_\_\_\_\_  
Plaintiff's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Agent or Attorney

**Defendant's Information (if known):**

Date of birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff or Agent or Attorney

\_\_\_\_\_  
Phone & Fax No. of Plaintiff/Agent/Attorney

**SWORN TO AND SUBSCRIBED** on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

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v.

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§ IN THE JUSTICE COURT  
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§ PRECINCT NO. 12  
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**AFFIDAVIT SEC.201(b) – MILITARY AFFIDAVIT**

Before me, the undersigned authority, personally appeared \_\_\_\_\_,  
plaintiff, who under oath stated:

“My name is \_\_\_\_\_ (print name), Plaintiff.  
I am over the age of 18 and of sound mind.”

The above Defendant:

- is not in the military
- is not on active duty in the military
- is on active military duty and/ or is subject to the Servicemembers Civil Relief Act of 2003.
- has waived his/her rights under the Servicemembers Civil Relief Act of 2003.
- military status is unknown at this time.

“Further Affiant sayeth not.”

\_\_\_\_\_  
Plaintiff’s Signature

Subscribed and sworn before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Judge/Clerk of the Court/Notary Public

**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 State Code, or imprisoned for not more than one year, or both.**

Only if the Affidavit establishes that the Defendant is not in an active servicemember can the Court proceed with a default judgment in the normal fashion.

Information pertaining to military status may be found through various websites, including but not limited to the U.S. Department of Defense site: <https://scra.dmdc.osd.mil>

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## Certificate of Last Known Mailing Address

1. My name is: \_\_\_\_\_  
*First Middle Last*
2. I am the Petitioner in this case.
3. The Respondent's name is: \_\_\_\_\_  
*First Middle Last*
4. I certify that the last known mailing address I have for the Respondent is:

\_\_\_\_\_  
*Address City State Zip*

Respectfully submitted,

\_\_\_\_\_  
*Plaintiff's Signature*

\_\_\_\_\_  
*Date*