



**FILING
INSTRUCTIONS
FOR
EVICTION
CLAIMS SUIT**

COSTS – LLANO COUNTY

FILING FEE - \$54.00

*(New Cases, Counter-Claims, Cross-Actions, ODL License Hearings)

SERVICE FEE –

CIVIL CITATIONS - \$80.00

EVICTION CITATIONS - \$80.00

CITATION BY PUBLICATION - \$80.00

WRITS –

EXECUTION - \$200.00

SEQUESTRATION - \$200.00

POSSESSION - \$200.00

ATTACHMENT - \$200.00

GARNISHMENT - \$200.00

RESTITUTION - \$200.00

RETRIEVAL - \$200.00

OTHER –

JURY TRIALS - \$22.00

CLERK'S PREPARATION OF WRITS - \$5.00

APPEALS - \$10.00

TRANSCRIPTS FOR APPEALS - \$10.00

***PLEASE NOTE THAT ADDITIONAL FEES OR COSTS MAY APPLY**

**PAYMENT METHODS ACCEPTED – MONEY ORDER, CASHIER'S CHECK,
CREDIT/DEBIT CARD, OR CASH.**

TO FILE SUIT THE FOLLOWING DOCUMENTS WILL BE NEEDED:

1. Justice Court Civil Case Information Sheet
2. Petition
3. Copies of any documents you wish to file with your petition
4. Payment of filing fee (MAKE PAYABLE TO LLANO COUNTY)
5. Payment of service fee (If service is out of Llano County, please contact the County where service is to be sent and obtain their service fee and mailing address where citation is to be sent)
6. If citation is to be sent to a different County, please provide a stamped and addressed envelope.

HELPFUL WEBSITES:

Texas Ahead Sheriff's & Constables Fees:

<https://ourcpa.cpa.state.tx.us/sacf/feesSearch.jsp>

Texas Legislature Online: <http://www.legis.state.tx.us>

Texas Indigent Defense Commission: <http://www.txcourts.gov/tidc/>

Texas Free Legal Aid: <http://www.TexasLawHelp.com>

THE STATE OF TEXAS §
COUNTY OF LLANO §

NOTICE TO VACATE

To _____ of said County:

You are hereby notified that your rental/lease agreement for the property located at:

In Llano County, Texas is hereby terminated effective immediately. This action is being taken as a result of your failure to pay rent in the amount of \$ _____ and/or for violation of your rental/lease terms.

You along with all other occupants are HEREBY commanded to vacate and remove all personal belongings from the premises, and any storage buildings on said property within _____ hours from the posting/delivery of this notice. You are also commanded to make payment in the amount of \$ _____ for unpaid rent owed.

Failure to vacate the above premises within _____ hours will result in the filing of an Eviction suit for possession of the property along with judgement for any monies owed and all costs for filing of the suit as the law directs.

Date: _____

_____/Landlord/or Agent

CERTIFICATE OF DELIVERY

I hereby certify that this notice has been furnished to the above-named tenants(s) on _____, 20__ at _____ a.m./p.m. by:

_____ Hand delivering to _____, tenant at the said premises;

_____ Affixing notice to the inside/outside front entry door of said premises.

_____/Landlord/or Agent

THE STATE OF TEXAS §
COUNTY OF LLANO §

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Date: _____

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____ Affixing notice to the inside/outside front entry door of said premises.

_____/Landlord/or Agent

JUSTICE COURT CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (For Clerk Use Only): _____

STYLED: _____
(e.g., John Smith vs. 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 discover request, response, or supplementation, and it is not admissible at a trial.

1. Contact information for person completing case information sheet

Name: _____ Telephone: _____

Address: _____ Fax: _____

City/State/Zip: _____ State Bar No. _____

Email: _____

2. Names of Parties in Case: (Attach additional page as necessary to list all parties)

Plaintiff(s): _____ Defendant(s): _____

Plaintiff(s): _____ Defendant(s): _____

3. Indicate case type, or identify the most important issue in the case (**select only one (1)**):

<input type="checkbox"/> Debit 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 leading 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.	<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.
<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: All small claims cases are 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.

Signed & Print Name

Date

CAUSE NO. _____

PLAINTIFF

Vs.

DEFENDANT

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IN THE JUSTICE COURT

PRECINCT _____

_____ COUNTY, TEXAS

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) (include name, email address, DOB, and last three (3) digits of 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 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: \$_____.
Defendant has or has not been late/delinquent in paying rent before the month in which notice was given. 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 periodic tenancy, which ended on _____, 20__.
- Squatter.** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after the demand to surrender possession given on _____, 20__. Plaintiff has or has not attached a Motion for Summary Disposition under Rule 510.10.
- Expiration of Tenancy at Will or by Sufferance.** Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and a demand to surrender possession given on _____, 20__.

PRE-SUIT NOTICE: Plaintiff has given Defendant(s) a notice to vacate notice to pay or vacate (according to Property Code § 24.005(f-3) or (f-4) 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 request 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. Home or work addresses other an the premises 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 judgement 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 if applicable, 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 judgements.

I hereby request a jury trial. The fee is \$22.00 and must be paid at least 3 days before trial.

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, and view large attachments, and it is important that you check this email account daily. **Even if you receive some documents by email, you will still receive some documents about the 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 this following email address: _____
- 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 to and hear the Judge, Defendant, 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 and Defendant 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, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or a 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.

Note: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Signature of Plaintiff

Signature of Agent or Attorney, if any

Printed Name:

Printed Name:

Address:

Address:

Email:

Email:

Telephone:

Telephone:

Fax:

Fax:

- Notary Public in and for the State of Texas
- Clerk of the Justice Court

Subscribed and sworn to before me on this ____ day of _____, 20__.

(SEAL)

NOTARY/CLERK

CAUSE NO. _____

PLAINTIFF

Vs.

DEFENDANT

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IN THE JUSTICE COURT

PRECINCT _____

_____ COUNTY, TEXAS

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

TO THE HONORABLE JUDGE OF SAID COURT:

I, being the above named Plaintiff herein, hereby certify to the court that the last known mailing address of the above named Defendant(s) is as follows:

PLAINTIFF

- Notary Public in and for the State of Texas
- Clerk of the Justice Court

Subscribed and sworn to before me on this ____ day of _____, 20__.

(SEAL)

NOTARY/CLERK

CAUSE NO. _____

PLAINTIFF

Vs.

DEFENDANT

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IN THE JUSTICE COURT

PRECINCT ____

_____ COUNTY, TEXAS

AFFIDAVIT

Plaintiff being duly sworn on oath deposes* and says that Defendant(s) is (are)
(CHECK ONE OF THE FOLLOWING)

- Not in the Military
- Not on active duty in the Military and/or
- Not in a foreign country on Military service
- 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 Act of 2003
- Military status is unknown at this time

PLAINTIFF

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

- Notary Public in and for the State of Texas
- Clerk of the Justice Court

Subscribed and sworn to before me on this ____ day of _____, 20__.

(SEAL)

NOTARY/CLERK

MORE INFORMATION REGARDING MILITARY AFFIDAVIT CAN BE FOUND AT:

<https://www.servicememberscivilreliefact.com/about-us/military-affidavits/>

FILING AN EVICTION LLANO COUNTY JUSTICE OF THE PEACE

- An eviction **MUST** be filed in the Justice Precinct where the rental property is located.
- 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 certain terms.
- The Landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three (3) days written notice to vacate the premises before the Landlord files an eviction, unless the parties have contracted for a shorter or longer notice period in a written lease agreement.
- The notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal deliver to the tenant or any person residing at the premises who is sixteen (16) years of age or older; or personal delivery to the tenant and affixing the notice to the inside of the main entry door. Notice by mail may be regular mail, or by certified mail, return receipt requested, to the premises in question.
- Alternative delivery of the notice to vacate is only and option: the dwelling has not mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the Landlord from entering the premises to leave the notice to vacate on the inside of the main entry door; or the Landlords reasonably believes that harm to a person would result from “in person” delivery as described above.
- If the above condition exists, the Landlord may securely affix the notice on the outside of the main entry door in an envelope with the tenant’s name, address, and the words “Important Document” or similar language; and by 5:00pm of the same day, deposit a copy of the notice to vacate to the tenant in the mail from “notice by mail” delivery as described above. (Must be mailed from the same county as the premises).
- To begin an eviction proceeding, the Landlord must file a written and sworn Petition for Eviction. The complaint must describe the premises, of which the Landlord is claiming possession with sufficient certainty to identify premises, and state the facts which entitle the Landlord to possession. The Landlord must file a sworn affidavit of Military Service per person.
- When filing, the Landlord should bring the following:
 - a. A copy of the Lease
 - b. A copy of the notice to vacate
 - c. \$134.00 for filing and service on one person (additional service is \$80.00 per person) A litigant is entitled to alternative methods of satisfying the court costs, subject to acceptance by the Court.
 - d. All work and residence addresses and telephone numbers of the tenant(s) known by the Landlord.
- Generally, all parties named in the lease should be sued and served with citation in the eviction proceeding. Any judgement granted will run only against those who are specifically named and served.
- The owner’s agent may file any type of eviction suit and may represent the owner at any default judgement hearing. If the case is contested an agent may

represent either party if the case involves non-payment of rent. The parties or their attorneys must try all other types of eviction if the case is contested.

- A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the Justice Court (\$20,000). Charges for items other than rent cannot be joined with suit for eviction.
- A court date will be set after the citation has been served and both parties will be notified and are expected to appear on the date and time. Any continuance request must be in writing, timely and agreed to by all parties.
- Under the Texas Rules of Civil Procedure, either party to the lawsuit has five (5) days to appeal the court's decision. The filing of an appeal stops all further Justice court proceedings until there is a resolution by the County Court or Court-at-Law. If neither party appeals, the Landlord may obtain a Writ of Possession from the Court after the five (5) day period of the appeal to pass. The writ fee of \$200.00, plus \$5.00 processing fee is payable to the Justice of the Peace 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.