

Eviction

# 154.00

Money Order

**Please Do Not Ask Clerks For Legal Advice**

**Unauthorized Practice of Law**  
**Government Code, Sec. 81.101**

Clerks can not give advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing any instrument.

**Por Favor No Pida Las Oficinas Consejo Legal**

**Practica Desautorizada De La Ley**  
**Codigo Del Gobierno, Sec. 81.101**

Las oficinistas no pueden dar consejo o la representacion de ningun servicio que requiere el uso de la habilidad o del conocimiento legal, tal como preparacion de ningun instrumento.

New Information Included

## **NOTICE**

**YOU MUST VERIFY YOU ARE FILING IN THE PROPER PRECINCT PRIOR TO FILING AN EVICTION. THIS CAN BE VERIFIED BY CALLING THE ELECTIONS OFFICE AT 903-575-0902 AND ASKING WHICH COMMISSIONER PRECINCT THE PROPERTY IS LOCATED IN.**

**THE CLERKS OF THIS OFFICE CANNOT TELL YOU WHERE TO FILE. IT IS YOUR RESPONSIBILITY TO MAKE SURE YOU FILE IN THE PROPER PRECINCT. IF YOU DO NOT FILE IN THE PROPER PRECINCT, THE CASE MUST BE DISMISSED. ANY COSTS YOU PAID TO FILE THE CASE WILL NOT BE REFUNDED TO YOU.**

## Eviction Law Comparison – Filed Before vs. On or After Jan. 1, 2026

<b>Topic</b>	<b>Filed Before 1/1/2026</b>	<b>Filed On or After 1/1/2026</b>
<b>Notice to Pay or Vacate</b>	May be given at landlord's option	If tenant has never been delinquent in rent, must give a "notice to pay or vacate" rather than a "notice to vacate"
<b>Method of NTV Delivery</b>	Mail; delivery in person; or posting on outside of door in certain situations with restrictions	Mail; delivery to the inside of the premises in a conspicuous place; hand delivery to any tenant at least 16 years of age; electronically if the parties have agreed in writing
<b>Calculation of NTV Period</b>	Day notice is given is Day 0, then count all days	Day notice is given is Day 0, if day ends on any weekend or state or federal holiday, extends to the next day that isn't a weekend or holiday
<b>Effect of Actual Receipt of NTV</b>	None	If shown that defendant received notice, delivery method doesn't matter, notice is valid
<b>Application of Other Rules</b>	If the judge determines is necessary	May not apply Rules of Evidence or other Rules of Civil Procedure in eviction cases
<b>Petition Contents</b>	Needed to say how and when presuit notice was given	Now must contain information about whether presuit notice was an NTV or a notice to pay or vacate, as well as if the tenant had been delinquent in rent before
<b>Who May Serve Citation</b>	Constable or sheriff	If not served within 5 business days, plaintiff may ask another LEO trained in civil process to serve
<b>Days Before Trial for Service</b>	At least six	At least four
<b>Summary Disposition in Squatter Cases</b>	Doesn't exist	May make a sworn motion, only if defendant is squatter, to receive judgment without trial if defendant doesn't file a response within 4 days disputing facts. Citation must warn defendant.
<b>Immediate Possession Bonds</b>	Only change the time for a writ in event of default.	Plaintiff may get writ 7 days after service of notice of the possession bond as long as defendant was either at trial or served with j/m by plaintiff and has not appealed. Citation must warn defendant.
<b>Fair Trial Venue Change</b>	Must be made at least 7 days before trial, unless good cause shown	Must be made at least 3 days before trial or 3 days after service, whichever is later, unless good cause shown
<b>Jury Request</b>	Must be made at least 3 days before trial	Must be made at least 3 days before trial or 3 days after service, whichever is later
<b>Amount of Appeal Bond in Judgment</b>	Only in nonpayment of rent cases	In all residential eviction cases
<b>Rent Must Be Paid Into Registry</b>	Only in nonpayment of rent cases appealed by appeal bond or Statement of Inability	In all residential eviction cases, regardless of method of appeal

## Eviction Law Comparison – Filed Before vs. On or After Jan. 1, 2026

<b>Counting Days for Filing w/Court or Paying Rent Into Registry</b>	Extends to next day if court closes before 5	Extends to next day if final day is a holiday (even if court open) or court closes for all or part of the day.
<b>Determining Amount of Rent Paid Into Registry</b>	Rental agreement	Rental agreement, or if there isn't one, greater of \$250 or fair market value
<b>Tenant Affirmation to Appeal</b>	None	Must swear a good faith belief in a meritorious defense and that is not for purpose of delay (court does not determine if this is true or not)
<b>When to Transmit Case to County Court</b>	Law is silent	As soon as rent is paid into registry, or if not paid then no earlier than 4p on the 6 <sup>th</sup> day and no later than 4p on the 10 <sup>th</sup> day after appeal
<b>Pay County Court Filing Fees on Appeal</b>	Within 20 days of notification by county clerk	Within 7 days of notification by county clerk
<b>Plenary Power to Modify/Vacate Judgment</b>	Law is silent	Until an appeal is perfected or the day after the appeal is due.
<b>Who May Execute Writ of Possession</b>	Constable or sheriff	If not served within 5 business days, plaintiff may ask another LEO trained in civil process to serve

***This is a summary of changes made by SB 38, and the changes to the Texas Rules of Civil Procedure, which go into effect for eviction suits filed on or after January 1, 2026. This is just a summary, for full information please review the updated Evictions Deskbook, the TJCTC legislative update materials at [www.tjctc.org/legislative](http://www.tjctc.org/legislative), and the text of SB 38 and the Rules of Civil Procedure.***

## 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.

<p><b>1. Contact information for person completing case information sheet:</b></p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p><b>2. Names of parties in case:</b></p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p><b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b></p>	
<p><input type="checkbox"/> <b>Debt Claim:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Eviction:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> <b>Repair and Remedy:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Small Claims:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

PETITION: EVICTION CASE

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) (include name, email address, DOB, and last 3 digits of DL & 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 a 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 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. Home or work addresses other than 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 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 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 judgments.

I hereby request a jury trial. The fee is \$22 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 every day. **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 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 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.*

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Agent or Attorney, if any

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
State Bar No.: \_\_\_\_\_

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

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

This affidavit is required in all civil filing in this Court.

You may take this affidavit to any legally qualified notary public or bring it to my office and we will have you swear to the affidavit before the Judge. Failure to submit this affidavit will invalidate your claim.

CASE NO. \_\_\_\_\_

**AFFIDAVIT**

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT(S):

\_\_\_\_\_ IS NOT IN THE MILITARY

\_\_\_\_\_ IS NOT ON ACTIVE DUTY IN THE MILITARY AND/OR

\_\_\_\_\_ IS NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE

\_\_\_\_\_ IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICE MEMBERS CIVIL RELIEF ACT OF 2003

\_\_\_\_\_ MILITARY STATUS IS UNKNOWN AT THIS TIME

\_\_\_\_\_  
PLAINTIFF

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR STATE OF TEXAS  
CLERK OF THE JUSTICE COURT  
(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.

**FOR OFFICER SAFETY PLEASE ANSWER THE FOLLOWING QUESTIONS**

Do You Know Or Suspect The Defendant Of Having

\_\_\_ Warrants for Their Arrest

Explain \_\_\_\_\_

\_\_\_ Any Mental Health Problems

Explain \_\_\_\_\_

\_\_\_ Violent Behavior Or Threats Towards You Or Others

Explain \_\_\_\_\_

\_\_\_ Any Weapons – Handguns, Rifles, Shotguns

Explain \_\_\_\_\_

\_\_\_ Active Or Former Military / Law Enforcement

Explain \_\_\_\_\_

\_\_\_ Threats Of Violence Towards Law Enforcement Or Government

Explain \_\_\_\_\_

\_\_\_ Drug Or Alcohol Abuse

Explain \_\_\_\_\_

\_\_\_ Suspected Drug Activity

Explain \_\_\_\_\_

\_\_\_ Other Suspicious Activities

Explain \_\_\_\_\_

Signature \_\_\_\_\_

# BRAD DUNCAN

CONSTABLE PCT. 1, 3 & 4

TITUS COUNTY

100 S. MADISON SUITE 100

MT. PLEASANT, TEXAS 75455

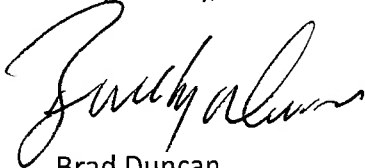
(903)577-6762 OR (903)577-6760

FAX (903)572-0971

To Plaintiff Filing Suit,

Keep in mind that I may not know the person who you have brought suit against. You can help me, of if your suit is going out of County, some other Officer, get the Defendant served quicker by providing as much information on the defendant as possible such as, directions and description of the residence, place of employment, hours they may work, type of vehicle they may drive, age, date of birth, physical description, phone numbers, relatives, places they may frequent. All this information is not necessary but any of it will be helpful. Please attach any additional information to the paper work when you return it. This additional information may help to get your citation served quicker.

Respectfully,

A handwritten signature in black ink, appearing to read "Brad Duncan", written in a cursive style.

Brad Duncan

Constable Pct. 1, 3 & 4

Titus County