

EVICCTIONS

RESIDENTIAL NOTICE TO VACATE:

In the event you have a written contract with the tenant, you must abide by the contract in regard to the number of days you must give to vacate the residence. If you have no contract you must give 72 hours' notice. Notice can be made in writing with personal delivery to the person, post a notice to the inside door of the residence, or regular mail and certified / registered mail with return receipt. Please retain a copy of the notice and documentation as to when the notice was served and method of service. You will need this in court.

FILING OF EVICTION IN CIVIL COURT:

After the expiration of the notice to vacate and the person has not vacated the residence, you may file a complaint, this is also known as a Petition. This document must be filled out to its entirety. This petition can be filed in person or through the United States Postal Service. If you are mailing the petition into the court, you must have your signature notarized. You will also be required to file a Justice Court Civil Case Information Sheet, which can be obtained from the court. Mailing address is: Justice Court Precinct Four, P.O. Box 52, Chilton, Texas 76632. If you are filing the petition in person with the court our physical address is: 432 State Highway Business 7, Chilton, Texas 76632.

Please go to the forms page and print off the following:

1. Eviction Petition
2. Justice Court Civil Case Information Sheet

NOTE: IT IS YOUR RESPONSIBILITY TO FILE AN EVICTION IN THE PRECINCT OF THE COUNTY WHERE YOUR RENTAL PROPERTY IS LOCATED. IF YOU FILE THE EVICTION IN THE WRONG PRECINCT YOUR SUIT CAN BE DISMISSED FOR LACK OF JURISDICTION.

FEES:

If you have more than one adult as your tenant, there would be one filing fee of \$46.00 and a service fee of \$125.00 for each adult residing at the residence. Each person living in the residence, except children must be filed on and served for total removal of all persons which are living in the residence. Fees are to be paid at the time of filing in the form of money order, cashier check or by debit /credit card.

MILITARY:

In the event of default by the defendant you must file a Service Members Civil Relief Affidavit on each adult individual named in the suit, showing the military status of the defendant(s). This affidavit is provided by the court.

Please go to the forms page and print of the following:
Service Members Civil Relief Affidavit

WHAT HAPPENS NEXT?

After you have filed your formal Petition / complaint with the court and paid all fees due at the time of filing, the judge will issue a Citation for the Constable to serve to the defendant(s) at the address in which you have supplied to the court. The defendant(s) will be notified when and where to appear for the civil trial. You the plaintiff will also be notified when to appear in court.

If you are seeking past due rent from the defendant, you will have the total burden of proof to the court. Please bring all financial documents to the court hearing which will prove the balance you are seeking judgment for in past due rent. Please furnish the court with copies of all documents. These documents will be retained by the court and filed within your case docket.

JUDGMENT:

In the event you receive a judgment for the possession of the residence and or back rent, the defendant will receive notice from the court of the court's judgment. However the defendant will have 5 days in which he /she may file an appeal. Judgment is final on the 6th day.

FINAL JUDGMENT:

After final judgment you may request in writing an Abstract of Judgment for the amount awarded in back rent. There is a \$5.00 document fee for the Abstract of Judgment which you must pay when requesting the abstract. You may also request a Writ of Possession if the defendant has not vacated the residence on the 6th day after judgment. You must request this writ in writing to the court. There is a \$5.00 document fee and a \$125.00 service fee. After all fees are paid by you, the plaintiff, a Writ of Possession will be issued and given to the Constable. The Constable will be in contact with you in order to coordinate when you will be available. You will be responsible for the removal of the items which your tenant may have left behind.

HOW LONG WILL THIS TAKE?

The Code of Civil Procedure requires time limits on Service and Hearing Dates. Your case will be processed according to these laws. I cannot give you a definitive answer to this question, but know that the court will process your case as required and in an expedient manner.

PLEASE TAKE SPECIAL NOTICE:

This office cannot give you legal counsel, the information provided is to assist you in understanding the process which your case will be adjudicated.

BEFORE YOU FILE AN EVICTION IN THIS COURT, MAKE CERTAIN YOUR RENTAL PROPERTY IS LOCATED IN FALLS COUNTY, PRECINCT FOUR.

Please seek the assistance of an attorney if you have questions concerning what your legal rights are and what you can and cannot do legally in regard to your rental property or tenants.

This information is not to be considered as legal advice.

This court can not give recommendations for attorneys.