

CASE NUMBER: **E3-** \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_

Agent or Attorney: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

**IN THE JUSTICE COURT**

**PRECINCT THREE**

**HENDERSON COUNTY, TX.**

**VS.**

Defendant(s): \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ DL#: \_\_\_\_\_

TOTAL MONTHLY RENT:

\$ \_\_\_\_\_

**PETITION FOR EVICTION**

**TO THE HONORABLE JUDGE OF THE COURT:**

1. This suit is brought to regain possession of the premises located at \_\_\_\_\_  
\_\_\_\_\_ a property located within the boundaries of Justice of the Peace,  
Pct. 3, Henderson County, Texas.
2. The owner/landlord of the premises is \_\_\_\_\_
3. The tenant rented this property on or about: \_\_\_\_\_ and still maintains possession of the  
property. The lease is (check one):  written  oral
4. The rent is \$ \_\_\_\_\_ per month and is due the \_\_\_\_\_ day of the month. Rent paid by  
government is \$ \_\_\_\_\_.
5. The owner/landlord claims they should regain possession of the premises due to:  
 non-payment of rent  
 breach of lease agreement, as follows: \_\_\_\_\_  
 holdover
6. Written notice to vacate and demand for possession was given on \_\_\_\_\_ in the following manner:  
 certified mail  regular mail  delivery in person  attached to main entry door

**THE COURT IS ASKED TO EVICT THE TENANT AND ORDER TENANT TO:**

- Pay rent owed in the amount of \$ \_\_\_\_\_, plus all rents accruing through the date of  
judgment.
- Pay court costs.
- Pay reasonable attorney's fees of \$ \_\_\_\_\_

\_\_\_ **BOND FOR POSSESSION:** If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

**REQUEST FOR JUDGMENT:** Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, including removal of defendants and defendants' possessions from the premises, unpaid rent IF sent forth above, attorney's fees, court costs, and interest on the above sums at the rate stated in the rental contract, or if not so stated, at the statutory rate for judgment under Civil Statutes Article 5069-1.05.

\_\_\_ I give my consent for the answer and any other motions or pleadings to be sent to my email address which is:

\_\_\_ I hereby request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

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

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

\_\_\_\_\_  
Agent or Attorney Signature

Said Plaintiff (or agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said Affiant, true and correct.

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of the Court or Notary Public

**PLEASE DRAW A MAP TO THE DEFENDANT'S ADDRESS AND GIVE DIRECTIONS.**

**DIRECTIONS TO DEFENDANT'S ADDRESS:**

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CAUSE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

JUSTICE OF THE PEACE

VS.

PRECINCT 3, PLACE 1

\_\_\_\_\_  
DEFENDANT

HENDERSON COUNTY, TX

**PLAINTIFF'S CERTIFICATE OF LAST KNOWN ADDRESS**

Pursuant to TRCP 503.1 Plaintiff is to certify to the court the last known address of the Defendant is as follows:

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF'S SIGNATURE

**Instructions:** The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App 501 et seq. To obtain certificates of service or non-service under the Servicemembers Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

## MILITARY STATUS AFFIDAVIT

Servicemembers Civil Relief Act Sec. 201(b)

CAUSE NO. E3-

\_\_\_\_\_  
Plaintiff

In the Justice Court of

Vs.

Henderson County, Texas

\_\_\_\_\_  
Defendant

Precinct 3

Before me, on this day personally appeared, \_\_\_\_\_,  
who under penalty of perjury, stated that the following facts are true:

I am the \_\_\_ Plaintiff \_\_\_ Attorney of record for the Plaintiff in this proceeding.

**(Check One)**

\_\_\_ Defendant is not in the military

\_\_\_ Defendant is in military service and I know this because \_\_\_\_\_

\_\_\_ I am unable to determine whether or not the Defendant is in military service.

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

\_\_\_\_\_  
Date

SWORN TO AND SUBSCRIBED BEFORE ME on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary of Public, State of Texas

OR

\_\_\_\_\_  
Clerk of the Court

\* 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.