

MIDLAND COUNTY JUSTICE COURT

Judge Yadi Billeck
Justice of the Peace Pct. 2
432-688-4722

Judge John W. Barton
Justice of the Peace Pct. 4
432-688-4724

Constable Scott Casbeer
Precinct 2
432-688-4712

Constable Jamie Hall
Precinct 4
432-688-4701

EVICITION PETITION **PACKET**

Justice Court clerks are not attorneys and cannot give legal advice.

For questions about your civil case, including court procedures or how to file documents,
please contact our office directly:

✉ jp24civil@co.midland.tx.us

If you are representing yourself in a civil case, the Texas Justice Court Training Center
offers helpful resources here: <https://www.tjctc.org/srl.html>

Midland County Justice Courts Pct.2 and Pct.4

CAUSE NO. _____

(The Clerk's office will fill in the Cause Number when you file this form)

☐ With suit for Rent COURT DATE: ____/____/____ Time: ____ ☐AM ☐PM

Plaintiff - (Landlord/Property Name) § IN THE JUSTICE COURT

Vs. § PRECINCT NO. ____

Defendant(s)- (ALL OTHER OCCUPANTS) § MIDLAND COUNTY, TEXAS
(Each person obligated under written lease must be listed)

PETITION: EVICTION CASE

Government entity Rental Subsidy (if any): \$ _____

Tenant's Portion: \$ _____

TOTAL MONTHLY RENT: \$ _____

COMPLAINT: Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address	Unit No. (If any)	City	State	Zip
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☐ **SERVICE OF CITATION:** Service is requested on Defendant(s) by personal service at home, 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 addresses where the Defendant(s) may be served are:

Street Address	Unit No. (If any)	City	State	Zip
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☐ **UNPAID RENT AS GROUNDS FOR EVICTION:** Defendant(s) failed to pay rent for the following time period(s):

TOTAL DELINQUENT RENT AS OF 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 AS GROUNDS FOR EVICTION:** Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term or renewal of extension period, which was the ____ day of _____, 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 the ____ day of _____, 20 ____.

☐ **EXPIRATION OF TENANCY AT WILL:** Defendant(s) had no lease agreement and have failed to vacate after being given termination notice and demand to surrender possession given on the ____ day of _____, 20 ____.

PRE-SUIT NOTICE: Plaintiff has given Defendant(s) a ☐notice to vacate ☐notice to pay or vacate (according to Texas Property Code Chapter 24.005(f-3)or (f-4)) and demand for possession. Such notice was delivered on the ____ day of _____, 20 ____ and delivered by this method:

Midland County Justice Courts Pct.2 and Pct.4

CAUSE NO. _____

ATTORNEY'S FEES: Plaintiff ☐ will be / ☐ will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & 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).

RELIEF: Plaintiff request that Defendant(s) be served with citation and that Plaintiff is awarded a judgment against Defendant(s) for: possession of premises, including removal of Defendants and Defendants' possessions from the premises, unpaid rent if set forth above, attorney 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.

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:

E-mail: _____.

☐ No, I do not want to receive any documents by email.

Petitioner's Printed Name

Signature of Plaintiff (Landlord/Property Owner or Agent)

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

Address of Plaintiff (Landlord/Property Owner or Agent)

LAST 3 NUMBERS OF DRIVER LICENSE: _____

City State Zip

LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Plaintiff Phone # / Plaintiff Fax #
(Landlord/Property Owner or Agent)

Sworn to and subscribed before me this _____ day of _____, 20____.

NOTARY OR CLERK OF THE JUSTICE COURT



CASE NO. _____

**MILITARY AFFIDAVIT
SEC. 201 (b)**

Plaintiff being duly sworn on oath deposes and says that defendant(s):

- ☐ Is not in the military.
- ☐ Not on active duty in the military and/or
- ☐ 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 unknown at this time.

PLAINTIFF SIGNATURE

(Plaintiff Printed Name)

Sworn to and subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
CLERK OF THE JUSTICE COURT

When filing any Civil Suits this form MUST be filled out with proof of military status and accompany the complaint upon filing. Military status can be determined at:

<https://scra.dmdc.osd.mil/scra/#/home>

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.

SERVICE INFORMATION SHEET

PLEASE COMPLETE THIS INFORMATION TO EXPEDITE SERVICE OF YOUR PAPERS.

PLAINTIFF NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

Number at which you can be reached or can leave a message: _____

DAYTIME FAX: _____

EMAIL: _____

DEFENDANT NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

MAIL ADDRESS IF DIFFERENT: _____

TYPE OF RESIDENCE (List gate codes and building #s):

Description of residence and any special direction:

Please attach a photograph of the residence to assist with proper service on the Defendant.

JUSTICE COURT CIVIL CASE INFORMATION SHEET

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.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: _____	Telephone: _____	Plaintiff(s): _____
Address: _____	Fax: _____	_____
City/State/Zip: _____	State Bar No: _____	Defendant(s): _____
Email: _____	_____	_____
Signature: _____	_____	_____
		AND ALL OTHER OCCUPANTS [Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
☐ Debt 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 lending 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.		☐ 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.
☐ 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.		☐ Small Claims: 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.