

BASTROP COUNTY JUSTICE OF THE PEACE PRECINCT ONE

Physical Address: 803 PINE STREET, BASTROP, TEXAS, 78602 (3rd floor)

Mailing Address: PO BOX 336, BASTROP, TEXAS, 78602, PHONE: 512-581-4258



EVICTON CASE

Effective 04/12/2022

Includes: PETITION – EVICTON CASE

Please make sure to read all the information provided. If you still have questions that are not procedural, then utilize legal resources (some enclosed) or a lawyer. The clerks are not allowed to give legal advice. This is for your protection as well as our own. The enclosed information does not replace consultation or assistance from an attorney and is not advice from our court/clerks.

At minimum, you must provide the following to the court with your completed paperwork to start the filing of your paperwork/case:

1. \$54.00 filing fee payable to JP #1 (This fee change occurred 01/01/2022). Our court only accepts Cashier Check, Money Order or Company Check IF the plaintiff is the company or a part of the suit.
2. \$75.00 citation fee payable to Bastrop County Constable. This fee is for **EACH** citation/defendant to be served listed on the petition.
3. ***If you are awarded judgment***, and ***IF*** you need to file a Writ of Possession ***after the hearing*** has been heard (see more information within this packet), then at minimum, you must provide the following to the court with your formal request to start the filing of the Writ of Possession:
 1. \$5.00 filing fee payable to JP #1. Our court only accepts Cashier Check, Money Order or Company check IF the plaintiff is the company or part of the suit.
 2. \$250.00 writ fee payable to Bastrop County Constable.

For information in regards to Eviction laws, information and current orders in place, please utilize the legal resources provided or visit: <https://www.tjctc.org/SRL.html>

It is the Plaintiff's responsibility to know the most current orders/laws active in regards to evictions.

SMCRAA 04282023 (NG)

Resources AND Legal Assistance (Additional resources AT THE END OF THIS PACKET)

- Texas Lawyer Referral Service - (800) 252-9690
- To check military status – <https://scra.dmdc.osd.mil/>
- Texas Justice Court Training Center information for self-represented litigants – <https://www.tjctc.org/SRL.html>
- State Bar of Texas Information, including Legal Information and Low or No-Cost Legal Assistance: www.texasbar.com, and then click on “For The Public.”
- Forms and Information, including for other types of cases – www.texaslawhelp.org
- **Texas RioGrande Legal Aid, Inc.** 800-369-9270 (San Antonio) 888-988-9996 (Main Office) www.trla.org
 - Provides free legal services to low-income residents in 68 south, central, and west counties in Texas; provides free legal services to survivors of sexual assault in 114 counties in north and west Texas; represents migrant and seasonal farm workers in 7 states; operates public defender programs in several Southwest Texas counties (court-appointed only); for assistance in civil cases, call Monday through Thursday 8am-8pm; Friday 8am-6pm. Legal services hotline: 888-988-9996. Disaster-Related Hotline: 866-757-1570. Legal Aid for Survivors of Sexual Assault (LASSA) Hotline: 800-991-5153.

CAUSE NO. _____

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

PETITION – EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s): _____ 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: \$ _____. 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 renewal of extension period, which was _____, 20__.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) 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. Other home or work addresses 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, 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.
- I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____ . (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.)

Plaintiff's Printed Name _____ Signature of Plaintiff or Agent or Attorney _____

Defendant's Information (if known): _____
Date of birth: _____
Last three digits of Driver License: _____ Address of Plaintiff or Agent or Attorney _____
Last three digits of Soc. Sec. No.: _____
Phone No.: _____
Phone & Fax No. of Plaintiff/Agent/Attorney _____

SWORN TO AND SUBSCRIBED on _____, 20____

CLERK OF THE JUSTICE COURT OR NOTARY (If brought to the court in person, a clerk can sign in your presence. If delivered to the court, it will need to be notarized.)

CAUSE NO. _____

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

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

Instructions: The Servicemember's 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 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 the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/applj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

- not on active duty in the military
- on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT SIGNATURE (If in signed in person) OR NOTARY (If NOT signed in person in front of the Clerk of the Justice Court)

**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.*

SmCRAA 06282023 (NG)

CAUSE NO. _____

§

IN THE JUSTICE COURT

PLAINTIFF

§

v.

§

PRECINCT NO. ONE

§

DEFENDANT

§

BASTROP COUNTY, TEXAS

Certificate of Last Known Mailing Address

1. Plaintiff name and address is:

First

Middle

Last

Mailing address of Plaintiff

2. Agent or Attorney of Plaintiff name and address is:

First

Middle

Last

Mailing address for Agent or Attorney for Plaintiff

3. The Respondent's (Defendant's) name is:

First

Middle

Last

4. I certify that the last known mailing address I have for the Respondent (Defendant) is:

Address

City

State

Zip

Respectfully submitted,



Your Signature

Date

Your Printed Name

Phone

()

LEGAL RESOURCES / LEGAL AID RESOURCES

Texas RioGrande Legal Aid, Inc. 800-369-9270 (San Antonio) 888-988-9996 (Main Office) www.trla.org

Provides free legal services to low-income residents in 68 south, central, and west counties in Texas; provides free legal services to survivors of sexual assault in 114 counties in north and west Texas; represents migrant and seasonal farm workers in 7 states; operates public defender programs in several Southwest Texas counties (court-appointed only); for assistance in civil cases, call Monday through Thursday 8am-8pm; Friday 8am-6pm. Legal services hotline: 888-988-9996. Disaster-Related Hotline: 866-757-1570. Legal Aid for Survivors of Sexual Assault (LASSA) Hotline: 800-991-5153.

Capital Area Aids Legal Project (CAALP) 512-406-6173 (Main Office) www.asaustin.org

The Capital Area AIDS Legal Project is a collaboration between Volunteer Legal Services of Central Texas and AIDS Services of Austin. The project provides legal assistance to low income individuals affected by HIV/AIDS on most civil legal issues including but not limited to family law, public benefits, landlord/tenant issues, consumer law, and estate planning. A legal clinic is held at noon on the first or second Tuesday of the month, check www.asaustin.org/caalp for details.

ONLINE SELF-HELP RESOURCES

www.TexasLegalAnswers.org

Free online legal advice clinic offering answers by volunteer attorneys to civil legal questions. Low income Texans can post any non-criminal legal question securely at TexasLegalAnswers.org, from any computer or smart device. Users must meet low income eligibility requirements.

TexasLawHelp.org

Website offering free, reliable civil legal information and documents (not legal assistance) to Texans who cannot afford legal help; a LiveChat operator is available Monday – Thursday, 9:00 AM-5:00 PM, to help eligible clients navigate the website.

Texas Low Income Housing Information Service

<https://texashousers.net>

Provides online information on public housing, tenants' rights and colonias; housing counselor helps locate affordable housing in Texas. Legal information about housing is available for the public at www.texastenant.org.

Lawyer Referral Service of Central Texas

512-472-8303

Hours: 8:00 am - 4:30 pm, M-F

Offers limited scope referrals in family law matters for clients able to represent themselves (pro se) and reduced-fee legal services for qualified clients under the Modest Means Program (previously known as Match Program).

LAWYER REFERRAL SERVICES **(FULL FEE AND REDUCED FEE)**

Lawyer referral services enroll licensed attorneys who pay the necessary registration fee and meet basic guidelines. Callers referred to a participating attorney by a lawyer referral service receive a half-hour consultation for no more than \$20. After the initial half-hour consultation, should the caller decide to authorize the lawyer to take action on their legal issue, the caller and lawyer may negotiate fees. These fees may be on a full or reduced fee basis, depending on the program the attorney is participating in.

Below is a list of the certified lawyer referral services in Texas. The State Bar of Texas operates the lawyer referral service for the areas of the state not covered by a local lawyer referral service.

State Bar of Texas Lawyer Referral Information Service.....800-252-9690
Serving all counties except Bexar, Dallas, El Paso, Harris, Jefferson, Nueces, Tarrant, and Travis.

SERVICES	CERTIFIED	LOCAL	LAWYER	REFERRAL
Austin Tenants' Council				512-474-1961
Corpus Christi Bar Association.....				361-883-3971
Dallas Bar Association				214-220-7444
El Paso Bar Association				915-532-7052
Harris County Bar Association				713-236-8000
Harris County Criminal Lawyers Association Lawyer Referral Service				713-227-2404
Houston Lawyer Referral Service*				713 237-9429 or 800-289-4577
*Also offers reduced fee attorneys for income-eligible individuals				
Jefferson County Bar Association				409-835-8438
Lawyer Referral Service of Central Texas*				512 472-8303 or 866-303-8303
*Modest Means Program (previously known as Match) - reduced fee legal services for family law and estate planning cases; applicants should ask for "Modest Means" Program by name				
North Dallas Bar Association				972-980-0472
Plano Bar Association				972-424-6113
San Antonio Bar Association				210-227-1853

Tarrant County Bar Association817-336-4101
Texas Lawyer Referral Service888-635-6060

ONLINE FIND A LAWYER SERVICE

State Bar of Texas, Find a Lawyer

www.texasbar.com/findalawyer

Fee-paying clients may use the Find a Lawyer service to connect with attorneys. The service offers clients the option to filter results by fee options, including reduced fee arrangements and payment plans. The full list of options include: **Contingency Fees:** The attorney's fee is based on a percentage of the amount awarded in judgment or negotiated in the settlement of the case.

Flat Fees: The attorney charges a specified sum for handling the entire case or matter or for completion of a certain task associated with the case or matter (e.g. review of a contract, court appearance, etc.).

Hourly Rate: The attorney charges a per-hour rate and usually tracks his or her time in fractions of an hour (often 10ths of an hour/6 minute increments).

Payment Plans: The attorney's fee may be paid in installments instead of all at once.

Sliding Scale Fees: A reduced fee arrangement based on a review of the client's overall income and ability to pay.