



WHARTON COUNTY PRECINCT # 1,2,3, or 4  
JUSTICE OF THE PEACE

To the Citizens of Precinct 1,2,3, or 4:

The filing fee is Forty Six dollars (\$46.00).

In addition, there is a fee for serving the defendant which is Seventy Five dollars(\$75.00) per defendant to be served in Wharton county, for a total of One Hundred Twenty One dollars(\$121.00).

\*\*\*Note\*\*\*If you are filing on a defendant that resides outside of Wharton County, you must contact that county for the constables service fee and address.

JUSTICE COURTS, WHARTON COUNTY TEXAS

JEANETTE M. KRENEK  
Precinct #1  
1017 N. Alabama Rd.  
Wharton, Texas 77488  
Phone: (979) 532-3941  
Fax: (979) 531-0758

D.R. KORENEK  
Precinct #3  
P.O. Box 184 (340 W. North St.)  
Louise, Texas 77455  
Phone: (979) 648-2363  
Fax: (979) 648-2359

CINDY KUBICEK  
Precinct #2  
P.O. Box 780 (736 Club Side Dr.)  
East Bernard, Texas 77435  
Phone: (979) 335-6210  
Fax: (979) 335-6312

T.J. DRAPELA  
Precinct #4  
605 E. Calhoun St.  
El Campo, Texas 77437  
Phone: (979) 543-4322  
Fax: (979) 543-1568

NOTICE TO VACATE FOR NONPAYMENT OF RENT;  
DEMAND FOR POSSESSION; AND  
NOTICE OF TERMINATION OF POSSESSION RIGHTS

\_\_\_\_\_, 20\_\_\_\_

To \_\_\_\_\_  
Name of renter and address

That this notice is serviced this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to \_\_\_\_\_ of \_\_\_\_\_,  
Wharton County, Texas.

To \_\_\_\_\_ and all other occupants  
(renter)  
now in possession of the hereinafter described premises:

You are hereby notified to vacate the premises you now occupy, being  
\_\_\_\_\_, Wharton County, Texas, and  
deliver possession to the undersigned within \_\_\_\_ days.

Reason for this note: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should you fail, neglect, or refuse to vacate said premises \_\_\_\_\_ DAYS from  
service of this notice, I will take such legal action as the law requires to put you off said  
premises. The owner demands immediate possession of the premises identified above as  
soon as possible for failure to pay rent on said property; you are directed to remove all  
your personal property from the premises as soon as possible and return the key to the  
owner.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner address

**PETITION: EVICTION CASE**

CASE NO. (court use only) \_\_\_\_\_

With suit for Rent

COURT DATE: \_\_\_\_\_

In the Justice Court, Precinct \_\_\_\_\_, Wharton County, Texas

PLAINTIFF \_\_\_\_\_

(Landlord/Property Name)

Rental Subsidy (if any) \$ \_\_\_\_\_

VS. \_\_\_\_\_

Tenant's Portion \$ \_\_\_\_\_

DEFENDANT(S): \_\_\_\_\_

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	Phone #
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1. **SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

2.  **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: \$ \_\_\_\_\_  
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.

3.  **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations (if other than non-paid rent – list lease violations)

4.  **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\_\_\_\_\_.

5. **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 the \_\_\_\_\_ day of \_\_\_\_\_ and delivered by this method:

6. **ATTORNEY'S FEES:** Plaintiff  will be or  will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: \_\_\_\_\_

7.  **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 set 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 judgments 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: \_\_\_\_\_

Petitioner's Printed Name \_\_\_\_\_

Signature of Plaintiff (Landlord/Property Owner) or Agent \_\_\_\_\_

DEFENDANT(S) INFORMATION (if known):

Address of Plaintiff (Landlord/Property Owner) or Agent \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

City State Zip

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

DEFENDANT'S PHONE NUMBER: \_\_\_\_\_

Phone & Fax No. of Plaintiff (Landlord/Property Owner) or agent \_\_\_\_\_

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

# 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.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: _____	Telephone: _____	Plaintiff(s): _____
Address: _____	Fax: _____	Defendant(s): _____
City/State/Zip: _____	State Bar No: _____	_____
Email: _____	_____	_____
Signature: _____	_____	[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):	
<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.	<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.
<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.	<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.

This affidavit is required in all civil filings 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 Or Clerk. 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 SERVICEMEMBERS CIVIL RELIEF ACT OF 2003
- MILITARY STATUS IS UNKNOWN AT THIS TIME

PLAINTIFF \_\_\_\_\_

SUBSCRIBED AND SWORN TO 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.

# CIVIL PROCESS INFORMATION FORM

Name of Defendant: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (Home) \_\_\_\_\_ (Cell)

Drivers License # \_\_\_\_\_ SSN# \_\_\_\_\_

Appx. Height: \_\_\_\_\_ Appx. Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Other Identifying Marks/Features: \_\_\_\_\_

\_\_\_\_\_

Directions to Residence: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Residence Description (Type of residence, color, one or two story): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Vehicle Information:

(1) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

(2) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

## Employer Information:

Employer: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Plaintiff Name, Address, Telephone Number: \_\_\_\_\_

\_\_\_\_\_

IN THE JUSTICE COURT  
PRECINCT \_\_\_\_  
WHARTON COUNTY, TEXAS

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

\_\_\_\_\_  
PLAINTIFF

VS.

\_\_\_\_\_  
DEFENDANT

### PLAINTIFF'S MOTION TO DISMISS

COMES NOW THE PLAINTIFF in the above styled and numbered cause and files this MOTION TO DISMISS the above styled case WITHOUT PREJUDICE, in accordance with RULE 162 of the Texas Rules of Civil Procedure, and cites the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF

### ORDER OF DISMISSAL

Be it therefore ORDERED, ADJUDGED AND DECREED that the PLAINTIFF'S MOTION BE GRANTED. The above styled cause is DISMISSED WITH/WITHOUT PREJUDICE.

SIGNED AND ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PRESIDING JUDGE/CLERK OF COURT