



JUDGE JONATHAN D. GRACIA
JUSTICE OF THE PEACE 2-2
835 E LEVEE STREET 2ND FLOOR
BROWNSVILLE, TEXAS 78520
(956) 544-0858 / FAX: (956) 550-1467

INFORMATION ON FORCIBLE DETAINERS

The **Rules of Judicial Ethics prohibits this office from giving legal advice or hearing your case without the presence of the defendant or plaintiff.** If you need legal counseling, we highly recommend any licensed Texas attorney. Your first meeting with the attorney is usually (but not always) free because the lawyer is trying to determine if they can be of service to you.

To begin your lawsuit:

1. You must have a copy of a written dated notice informing the tenant that they have 3 days to vacate the property if they are behind on rent and 30 days if they are current
2. You need to complete the Forcible Detainer forms with the total dollar amount \$138.00 (\$48.00 filing fee+ \$90.00 service fee) add \$90.00 for additional defendants. The first 3 forms in our application **MUST BE NOTARIZED.**
3. Return the completed forms with \$138.00 fee for Forcible Detainer case to our office.
4. We count 10-21 days from the filing day to schedule your court hearing, defendant will be served as soon as possible.
5. May sure to include all costs (court costs and notary fees) if you wish for them to be added to the judgment.

If you win the case, the tenant has to vacate premises as ordered. if the occupant(s) has not moved out by the time and date mandated, landlord may request a **Writ of Possession** at our office. A peace officer will then physically remove the tenant(s) and all his(her/their) belongings within the time required by law.

If after the judgment the tenant has not paid the rent stated in it, then the landlord can request a **Writ of Abstract** which is a credit lien against any credit that the tenant has. The Writ of Abstract is valid for the next 10 yrs.

Should you have any questions concerning the forms feel free to ask our clerks for assistance. If you have any **LEGAL QUESTIONS**, contact **LEGAL AID AT (956)-546-5558 OR 1-800-369-2651.**

THANK YOU.

EXAMPLE OF AN EVICTION LETTER

To: Name of tenant and all other occupants

Address

Our files indicate that you are past due on your rent. You are being notified that you have 3 days to vacate the premises from the above address or pay the rent of \$____ plus late fees of \$____ with a total amount of \$____. If you fail to vacate or pay the total amount due by _____, we will commence with legal action at the office of the Justice of the Peace and any other attorney fees or other costs which we incur will be added to the total cost of your eviction.

Please contact our office as soon as possible to resolve this delinquency.

Thank you for your attention to this issue.

Sincerely,

Landlord.

EVICTION CASE

**In the Justice Court, Precinct 2-2
Cameron County, Texas**

CASE NO. (court use only) _____

COURT DATE: _____

With suit for Rent

PLAINTIFF _____

(Landlord/Property name)

Vs.

DEFENDANT(S) _____

Rental Subsidy (if any) \$ _____

Tenant's Portion \$ _____

TOTAL MONTHLY RENT \$ _____

Street Address Unit No. (if any) City State Zip

- 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: _____
- 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
- OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations(if other than non-paid rent-list lease violations) _____
- 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____.
- 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: _____
- ATTORNEY'S FEES:** Plaintiff will be will not be seeking applicable attorney's fees. Attorney's name, address, phone and fax number are: _____
- BOND FOR POSSESSION:** If plaintiff has fled 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 defendants(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 pleading to be sent to my email address which is: _____

Petitioner's Printed Name

Signature of Plaintiff(landlord/owner)or agent

DEFENDANT(S) INFORMATION(if known)

Address of Plaintiff(landlord/owner) or agent

DATE OF BIRTH: _____

City State Zip

LAST 3 NO. OF DRIVERS LICENSE: _____

LAST 3 NO. OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Plaintiff (landlord/owner) or agent's Ph & Fax No.

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

NOTARY PUBLIC

COUNTY, TX.

EVICTION CASE

**In the Justice Court, Precinct 2-2
Cameron County, Texas**

CASE NO. (court use only) _____

COURT DATE: _____

With suit for Rent

PLAINTIFF _____

(Landlord/Property name)

Vs.

DEFENDANT(S) _____

Rental Subsidy (if any) \$ _____

Tenant's Portion \$ _____

TOTAL MONTHLY RENT \$ _____

Street Address _____ Unit No. (if any) _____ City _____ State _____ Zip _____

- 8. **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: _____
- 9. **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
- 10. **OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS:** Lease Violations(if other than non-paid rent-list lease violations) _____
- 11. **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____.
- 12. **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: _____
- 13. **ATTORNEY'S FEES:** Plaintiff will be will not be seeking applicable attorney's fees. Attorney's name, address, phone and fax number are: _____
- 14. **BOND FOR POSSESSION:** If plaintiff has fled 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).

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Signature of Plaintiff(landlord/owner)or agent

DEFENDANT(S) INFORMATION(if known)

Address of Plaintiff(landlord/owner) or agent

DATE OF BIRTH: _____

City State Zip

LAST 3 NO. OF DRIVERS LICENSE: _____

LAST 3 NO. OF SOCIAL SECURITY: _____

Plaintiff (landlord/owner) or agent's Ph & Fax No.

DEFENDANT'S PHONE NUMBER: _____

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

NOTARY PUBLIC
_____ COUNTY, TX.

Case No. _____

_____	§	IN THE JUSTICE COURT
VS.	§	PRECINT 2 PLACE 2
_____	§	CAMERON COUNTY, TEXAS

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

Plaintiff being duly sworn on oath deposes* and says that defendant(s) is (are)

(CHECK ONE)

- Not in the military
- Not on active duty in the military and /or
- Not in a foreign country on military service
- On active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003
- Has waived his/her right under the Servicemembers Civil Act of 2003
- Military Status is unknown at this time

PLAINTIFF

(Select the applicable title under the signature for the jurat below)

Subscribed and sworn to before me on this the _____ day of _____, 20__.

NOTARY/CLERK

- Notary Public in and for the State of Texas
- Clerk of the Justice of the Peace

SEAL

***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.**