



## **FORCIBLE ENTRY AND DETAINER SUITS:**

### **PROCEDURE TO FILE AN EVICTION SUIT IN JUSTICE COURT**

#### **Landlord/Agent must follow before filing in the Justice Court as the Law requires:**

1. The Landlord/Plaintiff must hand-deliver with a witness to the tenant(s) a written notice to vacate the property

**Non-payment of rent - 3 DAY NOTICE TO VACATE**

**Any other reason – 30 DAY NOTICE TO VACATE**

2. On the notice you are to state a justifying reason (Back-rent, violated the lease, etc.)

**If there is a written lease contract that proved for a different notice time, then the lease must be followed.**

If the situation is a month to month tenancy (no lease term or lease term has expired) and landlord just wants to regain possession of the property, the law requires that a 30 day notice to vacate, be given to the tenants(s) before an eviction case can be filed.

1. Once you file the eviction suit, stating all the facts, you will be assign a case Number and notice of **TRIAL SETTING** to be set between 10 to 21 days.
2. A Citation with a copy of the petition will be served to the Defendant/Tenant to appear for **TRAIL SETTING** if Defendant/Tenant fail to appear for Court you then become eligible to a **DEFAULT JUDGMENT**(including Back-Rent and/or any Fees if any).
3. **If Judge rules in Plaintiff/Landlord's favor,** Defendant/Tenant will have **5 days to appeal** to **COUNTY COURT AT LAW IN BROWNSVILLE, TX.** Or **VACATE**

4. **PROPERTY.** If Defendant/Tenant **does not move-out within 5 days** or does not appeal to County Court, you may request for:

**WRIT OF POSSESSION:** is an order which allows you to remove the tenant(s) from the property, with the Constable/Sheriff present, to see that everything is done in a peaceful way.

**FEEs (payable to: Justice Court David Garza 3-2)**

<b>FILING AND SERVICES</b>	<b>\$123.00</b>
<b>WRITS</b>	<b>\$207.00</b>
<b>ADDITIONAL SERVICE FEE</b>	<b>\$75.00</b>