

# EVICTIIONS

## EVICTIIONS PROCESS & GUIDELINES



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JUSTICE OF THE PEACE  
PCT. 2

*Important information on  
legal terms, guidelines, and  
the eviction process. This is  
not legal advice!*

Its purpose is to provide a  
basic explanation of legal  
terms and to describe how an  
eviction lawsuit generally  
proceeds through the legal  
system. To obtain specific  
legal advice, please contact  
an attorney.

### What is an Eviction?

Eviction is the legal process by which a landlord removes a tenant and the other occupants from rented property. A landlord can bring an eviction lawsuit if a tenant fails to pay the rent required by the lease agreement. Eviction may also occur for other reasons, such as if a tenant fails to do things required by the lease other than pay rent. A tenant can also be evicted for staying longer than the lease agreement allows without the permission of the landlord.

If the landlord provides evidence of any of these reasons and the tenant fails to prove otherwise, the court can order the tenant to move out even if he or she does not want to move. If the tenant refuses to move, the constable or sheriff can cause the physical removal of the tenant, all occupants and all belongings from the leased property by acting on a writ of possession that is filed by the landlord.

### Filing an Eviction:

Filing Fees: \$92.00 total.  
(\$17.00 court cost & \$75.00 Constables Service Fee)

- 1) 1.Eviction Suits **must** be filed in the Precinct and County where the property is located.
- 2) 2.A 3-day notice, if the tenant is behind in the rent, must be given unless the signed lease states otherwise.
  - a) a)This notice must be sent by mail, given in person to the tenant, given in person to any person residing in the leased property who is at least sixteen years of age, or posted on the inside of the main entry door to the leased property.
- 3) 3.If the tenant fails to move out before the deadline stated in the written notice to vacate, the landlord may file an eviction lawsuit with the JP Court. This suit must state the specific reasons why the tenant must leave. The landlord can ask for rent owed and attorney's fee, so long as the amount does not exceed \$5,000.00 plus all court cost.
- 4) 4.After your citation has been filed in this office, a citation will be issued, and given to the Constable to be served. The court date will be no less than 6 days and no more than 10 days from the date of service.

### The Major Steps in the Eviction Process:

- 1) You will receive a written notice to vacate from the property.
- 2) The property owner (landlord) files an eviction lawsuit in the justice of the peace court.
- 3) .A Constable will serve you with the citation with your court date.
- 4) .A hearing is held in JP court (no less than 6 days and no more than 10 days from date served)
- 5) If the landlord wins, you will have 3 options:
  - \*Option #1- Move out within 5 days or negotiate with landlord.
  - \*Option #2- Appeal the Judgment to county court within 5 days.
  - \*Option #3-Do nothing and be forced to move out by Constables.