

The Eviction Process

There are four basic steps in the eviction process, detailed below.

Notice to Vacate

If the landlord alleges a tenant is not paying rent, the landlord is required by law to give the tenant written notice to vacate the premises. This notice can be hand delivered to the tenant or any occupant that is 16 years of age or older, by mail or by any other methods allowed by law.

[Section 24.005 Texas Property Code.](#)

Unless your lease specifically states otherwise, the law requires you to deliver the written notice and then wait three days before filing your suit in Justice Court. This is a legal requirement, which must be met and cannot be overlooked.

Filing the Suit

You must file a Petition for Forcible Detainer or Eviction with Military Affidavit with the court and pay court costs of \$154. These court costs pay for the filing of your suit, your court hearing and for the Constable to serve your citation. The citation is the notice to the tenant that you are trying to evict them. A hearing date will be set for no less than 10 days nor more than 21 days from the date the petition is filed.

Going to Court

You must go to court and prove your case by a preponderance of the evidence. Simply filing a suit does not necessarily mean you will win your suit. You should bring all documents and other evidence with you to Court in a well-organized fashion. At the hearing, you will have to present evidence to show that you are entitled to possession of the premises.

Writ of Possession

If you have won your suit in Court, the mandatory five day appeal period has passed, and the other party is still in the premises, you may file a Writ of Possession in Court. A Writ of Possession is a Court order to the Constable to place you in possession of the property. The Writ of Possession will cost you an additional \$207, and may be requested at the Justice of Peace office where the judgment is. The Constable of your particular precinct can answer your questions about the Writ.

Legal Resources:

State Bar of Texas	800.204.2222	<u>www.texasbar.com</u>
Texas Young Lawyers Assoc.	512.427.1529	<u>www.tyla.org</u>
Helping Hands– Rockwall	972.771.4357	<u>www.rockwallhelpinghands.com</u>
Texas Law Help		<u>www.TexasLawHelp.org</u>