

# Petition for Eviction Based on Non-Payment of Rent

Case No. \_\_\_\_\_ § In the Justice Court of  
\_\_\_\_\_ § Harris County, Texas  
Plaintiff §  
vs. §  
\_\_\_\_\_ § Precinct \_\_\_\_\_, Place \_\_\_\_\_  
Defendant §

1. COMPLAINT. Plaintiff files the complaint against the above-named defendant(s) to evict defendant(s) from plaintiff's premises, which is located in the above precinct and which is described below.

Street Address or Other Description Unit No. (If any)  
City County State Zip

2. SUIT FOR MONEY. RENT. Plaintiff (check one)  does  does not seek a judgment for rent.  
Rent is due on the \_\_\_\_\_ day of the (check one)  Month  Week  \_\_\_\_\_ (specify other rent paying period). The rent is \$ \_\_\_\_\_ per  Month  Week  \_\_\_\_\_ (specify other rent paying period) The defendant(s) rent (check one)  is not subsidized by the government  is subsidized by the government as follows:  
\$ \_\_\_\_\_ paid by the government, and \$ \_\_\_\_\_ paid by the defendant(s).

3. SERVICE OF CITATION. Plaintiff requests service of citation on defendant(s) by personal service at the above described premises. Other addresses of defendant(s) listed in the written lease agreement are as follows:

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

Landlord knows no other work or residence addresses for Tenant(s).

4. GROUNDS FOR EVICTION. Defendant(s) have violated the rental agreement between plaintiff and defendant(s) and have refused to vacate after notice from plaintiff. The rental agreement violation involved defendant(s) failure to pay the rent for the period beginning the \_\_\_\_\_ day of \_\_\_\_\_ (Month) 20\_\_\_\_, and running through the present, which is still due and unpaid.

5. JUDGMENT REQUESTED. Plaintiff requests judgment for plaintiff and against defendant(s) for possession of the premises and for issuance of a writ of possession, and all court costs. Additionally, plaintiff requests judgment for the plaintiff and against defendant(s) for the following:

- a. Rent. If the eviction is based on the breach of an agreement to pay rent, plaintiff requests judgment for unpaid rent in the amount of \$ \_\_\_\_\_, as calculated at time of filing, and plaintiff also seeks judgment for rent accruing from the date of filing and becoming due thereafter.
- b. Attorney's Fees. If plaintiff engages an attorney, plaintiff requests judgment for attorney's fees because (check one)  a written agreement, binding on defendant(s), contains a provision entitling plaintiff to attorney's fees, or  plaintiff gave the 10-day notice as required by Sec. 24.006, Texas Property Code.
- c. Post-judgment interest. If plaintiff is granted a judgment, plaintiff requests post-judgment interest as allowed by statute or the rental agreement.

The Court may send any notice to plaintiff  
Via U. S. mail, email, telephone or fax, as follows:

\_\_\_\_\_  
Street address  
\_\_\_\_\_  
City State Zip  
\_\_\_\_\_  
Phone number Fax number

PLAINTIFF: \_\_\_\_\_  
(as stated at top of page)

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name of person signing Title

The above is the signature of: (check one)  
 plaintiff or  plaintiff's authorized agent or  plaintiff's attorney

Subscribe and Sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for State of Texas -OR- Justice Court Clerk  
09.01.2005

# Eviction Case Appeal Bond (Surety)

The State of Texas  
County of Harris

A judgment was rendered in Case No. \_\_\_\_\_, entitled “\_\_\_\_\_”  
Landlord, as Plaintiff, vs. \_\_\_\_\_,  
Tenant, as Defendant, in the Justice Court of Harris County, Texas, Precinct \_\_\_\_\_ Place \_\_\_\_\_, as follows:

Date of Judgment: \_\_\_\_\_

Judgment in Favor of: \_\_\_\_\_

Judgment Against: \_\_\_\_\_

Right to Possession: \_\_\_\_\_

Amount of Rent: \$ \_\_\_\_\_ Court Costs: \$ \_\_\_\_\_ Interest: \_\_\_\_\_ % from date of Judgment until paid.

From this Judgment, \_\_\_\_\_ (*Landlord, Plaintiff or Tenant, Defendant*) has appealed to the county court.

### Appeal by Defendant (Tenant):

To appeal the Judgment, \_\_\_\_\_ Tenant, Appellant, and

\_\_\_\_\_  
Surety, covenant that this appeal will be prosecuted with effect and all costs and damages which may be adjudged against Appellant will be paid by Appellant, provided that the Surety shall not be liable in an amount greater than \$ \_\_\_\_\_, the amount of this Bond.

### Appeal by Plaintiff (Landlord):

To appeal the Judgment, \_\_\_\_\_ Landlord, Appellant, and

\_\_\_\_\_  
Surety, covenant that this appeal will be prosecuted with effect and all costs and damages which may be adjudged against Appellant will be paid by Appellant, provided that the Surety shall not be liable in an amount greater than \$ \_\_\_\_\_, the amount of this Bond.

Notice of the filing of this Bond will be given to all parties to the suit within five (5) days following the filing of the bond.

\_\_\_\_\_  
Signature of Appellant

\_\_\_\_\_  
Mailing Address

Date of Birth: \_\_\_\_\_ TDL: \_\_\_\_\_

Given under (my) (our) hand(s) on \_\_\_\_\_

\_\_\_\_\_  
Signature of Surety

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Signature of Surety

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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# Eviction Case Appeal Bond — Surety

## *Oath and Affidavit*

THE STATE OF TEXAS §

COUNTY OF HARRIS §

I swear that I am worth, in my own right, at least the sum shown in the foregoing bond, after deducting from my property all that which is exempt by the Constitution and laws of the State from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in Harris County, and have property in this State liable to execution worth said amount or more.

\_\_\_\_\_  
Surety's Signature

\_\_\_\_\_  
Date

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §

COUNTY OF HARRIS §

I swear that I am worth, in my own right, at least the sum shown in the foregoing bond, after deducting from my property all that which is exempt by the Constitution and laws of the State from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in Harris County, and have property in this State liable to execution worth said amount or more.

\_\_\_\_\_  
Surety's Signature

\_\_\_\_\_  
Date

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

\_\_\_\_\_  
Judge Presiding

\_\_\_\_\_  
Date

# Affidavit of Inability to Pay Costs for Appeal (Evictions)

Case No. \_\_\_\_\_ § In the Justice Court of  
\_\_\_\_\_  
Landlord § Harris County, Texas  
§  
vs. §  
\_\_\_\_\_  
Tenants § Precinct \_\_\_\_\_, Place \_\_\_\_\_  
§

My name is \_\_\_\_\_.

and I am the Tenant in the above eviction proceeding. I am unable to pay the costs of appeal or to file an appeal bond in order to appeal the Judgment entered on \_\_\_\_\_

In order to appeal this proceeding, I am giving the following information under oath:

## Tenant's Identity

Full Name:	
Address:	City, State, and Zip Code
Home Telephone:	Cellular Phone:
Former Address:	
Date of Birth:	Place of Birth:
Employer:	
Employment Address:	
Work Telephone:	Job Title or Duties:
Supervisor's Name:	

Spouse's Name:	
Spouse's Address:	City, State, and Zip Code
Spouse's Home Telephone:	Spouse's Cellular Phone:
Spouse's Employer:	
Spouse's Employment Address:	
Spouse's Work Telephone:	Spouse's Supervisor's Name:

**Tenant Income**

Monthly earnings:		
Other income: Description:		Amount:

**Spouse's Income**

Spouse's monthly earnings:		
Other income: Description:		Amount:

**Government Entitlement Income**

<i>Unemployment Benefits</i>	<i>Benefit Amount</i>
AFDC:	
Social Security:	
Disability:	
Veteran's Benefits:	
Child Support:	

Other Entitlement Benefits:	Amount:
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**All Other Income**

Description:	Amount:
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**Accounts in Financial Institutions**

Checking Accounts: Financial Institution:	Account Number:	Current Balance:
Saving Accounts: Financial Institution:	Account Number:	Current Balance:

**Real Property Owned other than Homestead**

Description:	Address:	Value:
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**Personal Property** *(other than household furnishings, clothes, tools of a trade, or personal effects)*

Description:	Value:
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**Debts**

Description:	Total Due:	Monthly Payment:

**Monthly Expenses** (for example, food, transportation, child care, health care, etc.)

Description:	Amount:

**Dependants**

Name:	Address:	Age:	Relationship:

\_\_\_\_\_  
Date Completed

\_\_\_\_\_  
Signature

THE STATE OF TEXAS  
COUNTY OF HARRIS

§  
§

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, who upon oath, stated that he/she is the Tenant making this Pauper's Affidavit and that the information provided is true and correct.

SWORN TO AND SUBSCRIBED before me on \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

\_\_\_\_\_  
Clerk

**Note:** An *Affidavit of Inability to Pay Costs for Appeal* must be filed with the Justice Court not later than the 5<sup>th</sup> day after the date of judgment. If approved, the tenant must pay rent, as it becomes due during the pendency of the appeal. If the tenant fails to pay rent during the appeal, the landlord may file with the County Courts a sworn motion requesting immediate possession of the premises.