

EVICTION INSTRUCTIONS (Please read carefully)

Every new eviction filing requires three documents: an Original Petition, a Justice Court Civil Case Information Sheet, and a Serviceman's Civil Relief Act affidavit. All three are included under the EVICTIONS DOCUMENTS link on this website. Once completed, bring the three documents to our office.

You also have the option to email bdills@lubbockcounty.gov and jrichins@lubbockcounty.gov and request "Eviction documents in WORD" IF your case is in JP1.

- 1) Evictions must be filed in the proper Justice of the Peace Court. Redistricting is underway in 2021 and the LINES HAVE CHANGED! Be sure to double check your address/J.P. precinct! A map is available on the JP1 website, and maps are in each Justice of the Peace office.
- 2) Your property must be properly marked with the physical address assigned by the 911 emergency address system or the appraisal district. If your property is not clearly marked, the Constable will return the eviction citation un-served and you will have to start over. Location can be posted by numbers on the building proper or by numbers located on a sign posted in front of the property.

By law you must give a NOTICE TO VACATE before you can file an EVICTION SUIT. The landlord must give the tenant at least 3 days written notice to vacate before filing this eviction, unless the lease signed by both parties states otherwise. Chapter 24 of the TEXAS PROPERTY CODE contains information about the Notice to vacate, and other important information on evictions. The NOTICE TO VACATE must be in writing and comply with Section 24.005 and can be found on the LAW LIBRARY link on the main page of the JP1 website. A defective Notice to Vacate can result in dismissal of your suit.

The cost for filing an eviction can be paid by check, credit card, or EXACT CASH. Please contact our office at (806) 775-1549 or (806) 775-1550 to get the exact cost. It is a requirement of law that EACH PERSON named in the lease be served with citation.

JOINING A SUIT FOR RENT: A suit for rent may be joined with the eviction suit, if the amount due is within the jurisdiction of this court. (\$20,000.00). You CANNOT SUE for damages, late charges, utilities, or other charges in an eviction, but you may pursue those damages in a separate small claims suit.

5) Your hearing date will be set approximately two weeks out from the day you file. The burden of proof lies with you as plaintiff. Organize and bring your evidence with you to trial. You must show the Court good and sufficient evidence proving your right to regain possession of the property.

MOBILE HOME CASES: If you are seeking an eviction based on late rent payments for a MOBILE HOME LOT (tenant owns mobile home, you lease them the lot), you are required by law to give

the Tenant a ten-day NOTICE TO CURE before you can file an eviction (Sec. 94.206, Texas Property Code). Without the NOTICE TO CURE, your case will be dismissed. If they do not cure the problem after the ten-day notice, you then give them a three day NOTICE TO VACATE. Texas Law contains specific rules regarding Mobile Homes. You can locate this section through my website <http://www.co.lubbock.tx.us>. Look for USEFUL DOCUMENTS, then MOBILE HOME LAWS.

Below is the section on Residential Evictions:

<https://gato-docs.its.txstate.edu/jcr:adf83ceb-ca76-462f-b5fe-2c41d70cbfab/Evictions%20Deskbook%20-%20Third%20Edition.pdf>