

Plaintiff (s): _____

Agent or Attorney: _____

Address: _____

Phone: _____

VS.

Defendant(s): _____

Home Address: _____

Phone: _____

<p>Court Date _____ @ _____ am/pm</p> <p>I hereby acknowledge the court date and understand if the Plaintiff fails to appear the case may be Dismissed for Want of Prosecution.</p> <p>X _____ (initial)</p>
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**IN THE JUSTICE COURT
PRECINCT THREE
WISE COUNTY, TEXAS**

PETITION FOR EVICTION

TO THE HONORABLE JUDGE OF THE COURT:

1. This suit is brought to regain possession of the premises located at _____ a property located within the boundaries of Justice of the Peace, Pct.3, Wise County, Texas.
2. **Service of Citation:** Other addresses where the defendant(s) may be served in Wise County are: _____
3. The owner/landlord of the premises is _____.
4. The tenant rented this property on or about: _____ and still maintains possession of the property. The lease is (check one): written oral
5. The rent is \$ _____ per month and is due the _____ day of the month. Total amount of rent per day is \$ _____. Rent paid by government is \$ _____.
6. The owner/landlord claims they should regain possession of the premises due to: non-payment of rent Holdover at end of term breach of lease agreement, as follows: _____
7. Written notice to vacate and demand for possession was given on _____ in accordance to Chapter 24.005 of the Texas Property Code by the following manner: Certified Mail Regular Mail Delivery in Person Attached to inside of main entry door Other: _____

THE COURT IS ASKED TO EVICT THE TENANT AND ORDER TENANT TO:

- Pay rent owed in the amount of \$ _____, plus all rents accruing through the date of Judgment.
- Pay Court Costs. Pay reasonable attorney's fees of \$ _____.

Plaintiff

Agent or Attorney

Said Plaintiff (or agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said Affiant, true and correct.

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20_____.

Clerk of the Court or Notary Public

DOCKET NO. _____ DEFENDANT'S NAME: _____

AFFIDAVIT

SERVICE MEMBERS CIVIL RELIEF ACT SEC. 201 (b)

*To **VERIFY** Military Status go to website: <https://scra.dmdc.osd.mil/>

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT: (Please select **ONE** for DEFENDANT)

___ IS IN THE MILITARY SERVICE AND ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

___ IS IN THE MILITARY SERVICE AND NOT ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

___ IS NOT IN THE MILITARY SERVICE

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

OR

___ HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003

OR

___ PLAINTIFF IS UNABLE TO DETERMINE WHETHER OR NOT DEFENDANT IS IN MILITARY SERVICE AT THIS TIME

*(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).

***I am not providing proof of military status from the governmental website because:**



SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

CLERK OF THE JUSTICE COURT
NOTARY PUBLIC IN AND FOR STATE OF TEXAS (STRIKE ONE)

Penalty for making or using false affidavit – A person who makes or uses an affidavit knowing to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

****CERTIFICATE OF LAST KNOWN ADDRESS****

In strict compliance with Rule 503.1(d), Texas Rules of Civil Procedure, it is hereby certified that the last known mailing address of Defendant is as follows:

****DEFENDANT'S ADDRESS** _____ CITY, STATE, AND ZIP CODE



SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
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3. Indicate case type, or identify the most important issue in the case (select only 1):

<p><input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>



STATE OF TEXAS

EVICITION DIVERSION PROGRAM

The Texas Eviction Diversion Program (TEDP) Set-Aside of the Texas Rent Relief (TRR) Program helps Texas tenants stay in their homes and provides landlords an alternative to eviction.

The TEDP may provide up to 15 months of rental and utility assistance for eligible tenants who are behind on their rent due to the COVID-19 pandemic and have been sued for eviction. Both the tenant and the landlord must agree to participate and meet the requirements listed on the back of this page.

This temporary program is a unique partnership between the Supreme Court of Texas, Texas Office of Court Administration (OCA), and the Texas Department of Housing and Community Affairs (TDHCA).

- If the rent is below the TRR Program maximum, assistance can be used to pay the contracted rent for all past due rent as far back as March 13, 2020 (up to 12 months), plus up to 3 months of current/future rent. An additional 3 months (not to exceed the total of 15 months) may be provided upon re-application if necessary to ensure housing stability and if funds are available.
- The TEDP allows courts to put eviction lawsuits on hold so that the tenant may apply for available rental assistance. When approved, lump sum payments are provided to landlords for past-due rent and late fees in exchange for allowing tenants to remain in their homes and covering court costs. The payment to landlord is generally within 14 days of a complete application being received. Diverted cases will be dismissed and made confidential from public disclosure.
- Tenants are ineligible if they are receiving tenant-based voucher assistance, such as a Housing Choice Voucher, project-based Section 8 or are living in public housing, or have already received rental assistance from another source for the same time period.

March 8, 2021

LANDLORD / UNIT**TENANT / HOUSEHOLD****Eligibility Requirements:**

- ☒ Assistance for rent and reasonable late fees (stemming from non-payment of rent) no older than March 13, 2020
- ☒ Contract rent for the household assisted may not exceed the TDHCA maximum limits (limits available by zip code and county at TexasRentRelief.com)
- ☒ Must have a bank account and accept direct deposit
- ☒ Units are **INELIGIBLE** if tenants are receiving tenant-based voucher assistance, such as a Housing Choice Voucher, project-based Section 8 or are living in public housing, or have already received rental assistance from another source for the same time period

Documents Needed:

- ☒ Government-issued or personal ID (only if individual/sole proprietor)
- ☒ Lease agreement (or if no lease agreement, landlord attestation as part of the application regarding term and amount of rent)
- ☒ Completed IRS Form W-9
- ☒ Direct Deposit Information
- ☒ Proof of Ownership (real property record/Appraisal District information)

You will be required to certify that you:

- ☒ Will waive any fees or penalties not covered by TEDP/TRR, and not pass court costs on to the tenant
- ☒ Have not received assistance from another program for the same months of rent for this household and will not apply in the future for the covered months
- ☒ Will release the tenant from payment liability for this time period, waive all claims raised in the eviction case, and not evict the tenant for the period covered by TEDP/TRR
- ☒ Will reimburse the TEDP/TRR within 10 business days if you receive rent payment for this same unit and time period

Eligibility Requirements:

- ☒ Household has been sued for eviction from primary residence, located in Texas, and has eviction court docket number
- ☒ Household income at or below 80% of Area Median Income (limits available by county at TexasRentRelief.com)
- ☒ **AND** one or more of the household members:
 - ☒ Qualified for unemployment benefits on or after March 13, 2020; OR
 - ☒ Attest in writing that due to or during the pandemic they have:
 - Experienced a reduction in household income,
 - Incurred significant costs, or
 - Experienced financial hardship
- ☒ **AND** households must demonstrate:
 - ☒ That they are at risk of homelessness or housing instability by providing an eviction notice or past-due utility or rent notice; OR
 - ☒ Attest that unless they receive rental assistance, they would have to move to an unsafe/unhealthy environment like a shared living situation or emergency shelter

Documents Needed:

- ☒ Government-issued or personal ID of a person on the lease
- ☒ Lease agreement (or if no lease, rent receipt for the three most recent complete months paid)
- ☒ Income documentation:
 - ☒ If household has 6 or fewer members, recent SNAP or LIHEAP eligibility or recent SSI eligibility for the head or co-head of household, OR
 - ☒ Recent income certification from an affordable property, OR
 - ☒ Annual income documentation for 2020, OR
 - ☒ Income evidence for past 30 days (self-attestation allowed in some circumstances, more details on TexasRentRelief.com)
- ☒ Notices of late rent payment or notice to evict, including court docket number, Justice of the Peace precinct, and county
- ☒ Past due utility bills, if utility assistance is being requested
- ☒ Unemployment documentation, if applicable

You will be required to certify that you:

- ☒ Have not received rental assistance for the same months of rent or the rental assistance received was less than the full amount owed, and will not seek such assistance in the future for the covered months
- ☒ Will reimburse the TEDP/TRR within 10 business days if you receive rent (or utility) payment for this same time period

Tenant and Landlord both apply online (TexasRentRelief.com) or by phone (833-9TX-RENT)
 If Texas Rent Relief application is eligible and complete, payment to landlord is generally within 14 days

For Questions

Program Eligibility, Process and Application: TexasRentRelief.com | 833-9TX-RENT / 833-989-7368

Court Process: txcourts.gov/eviction-diversion | 855-270-7655 (Texas Legal Service Center)

