

Four steps in the Eviction process:

- 1) The notice to vacate
- 2) Filing the Suit
- 3) Going to Court
- 4) Writ of Possession

1) The notice to vacate

If a 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 delivered to the tenant personally with a witness, by certified mail (return receipt requested) or by any other method allowed by law. 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.

2) Filing the Suit

You must file an original petition with the Court and pay court costs of **\$72**. These court costs pay for filing your suit, your court hearing, and for the Constable to serve the citation. The citation is the notice to the tenant that you are attempting to evict him. A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the justice court (\$5,000). Charges for items other than rent **cannot** be joined with the suit for eviction. (Ex. Late charges, electric and water bills). Once the papers have been served, the tenant can answer the suit by personally appearing in the court.

3) 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. Once the judge has made a decision, either party to the lawsuit has **5** days to appeal the court's decision. The appeal is perfected by the filing of an appeal bond. (The judge will set the amount of the appeal bond). If neither party appeals, the landlord may obtain a "Writ of Possession" from the court.

4) Writ of Possession

If you have won your suit in Court, and the mandatory five day appeal period has passed, and the other party is still in the premises, you can 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 **\$60-\$85**, and may be filled out at the JP office. The court does not collect the judgment for you, nor can we force the defendant to pay the judgment. If you receive a judgment for your claim against the defendant, you may request an abstract of judgment which is **\$5.00** and maybe obtained after the five day appeal date & filed in the county clerk's and/or a Writ of Execution to help you in your collection of this judgment. An abstract of judgment puts a lien on any real property the defendant may own in a particular county where the abstract is recorded. The Writ of Execution may be obtained 30 days after the date of judgment. This document authorizes the constable to try and collect the judgment. Cost of a Writ of Execution is \$85.00 if the defendant lives out of the county this fee will be different.

How long does it take to evict someone?

From start to finish approximately three weeks.

- 3 days from notice to vacate to filing of suit
- 8-10 days to serve the citation- The law requires the defendant have six days notice before the hearing. We give the Constable two days to serve the citation.
- 5 days to appeal the suit following the hearing required by law.
- 2 days- The Constable is required by law to post a 24 hour vacate notice on the

"Writ of Possession".

- 20-23 days is the minimum amount of time to evict someone in any County in Texas. It must also be noted that any eviction suit is subject to appeal to the County Courts-at-Law.