Eviction Suits

1. Filing fee: $41.00, Court Cost $100.00/per person. The amount of the debt for which you may sue may not exceed the limit of the court, which is $10,000.00.

2. Eviction Suits must be filed in the precinct and county where the property is located.

3. A 3-DAY NOTICE must be given unless the signed lease states otherwise. If the notice is mailed, the tenant must be given 5 days from mailing date before suit is filed. The suit may be filed after notice has been given and the time passed. EXAMPLE OF 3-DAY NOTICE, "(Date) – This is your written notice to vacate these premises within three (3) days because" and give reason.

   This notice must be delivered personally, or by mail, or by posting to the inside of the main entry door, and must be unconditional.

4. After your affidavit has been filed in this office, a citation will be issued, and given to the Constable to be served. The court date will be no less than 10 days, and no more than 21 days from date of filing. We must have a phone number where the plaintiff can be reached during our office hours so that we may call to let him/her know the court date if the petition is filed by mail or if there is any change in the court date.

5. In court you will be responsible for providing the following information:

   - Date lease or rental agreement began. Is agreement still valid on a month to month basis?
   - Term of lease including rent per month and date rent is due.
   - Amount of unpaid back rent only, (no utilities or late charges) that is due through the court date and how it is computed.
   - Date that proper written notice to vacate was given to tenant.

6. In summary, state specifically what you are pleading for. Example: I am pleading for possession of property, back rent in the amount of $_____ and court cost.

7. Be sure and have your lease, copy of vacate notice, and payment records available for the Judge in the event he asks to see them. The person who delivered the eviction notice must be present for court to testify if defendant contests the case on grounds that no notice was received.

8. If you accept back rent after your suit is filed, be sure tenant is told that you are going ahead and prosecuting the eviction suit.

9. If you receive a judgment, the court does not collect the money for you.

10. If the Tenant does not move or appeal within 5 days after you have a judgment for possession, you may file a Writ of Possession. The fee for this Writ is $5.00 + $150.00 Constable Fee. A Writ of Possession gives the Constable the authority to oversee the removal of the tenant and tenants property from the premises.

11. We **cannot** give legal advice, but we will try to answer **procedural** questions you may have.

12. If filing for other than non-payment of rent, different rules will apply.