

Cause No. _____

Plaintiff _____

In the Justice Court, Precinct Two

Vs.

Defendant(s) _____

County of El Paso, Texas

(And All Occupants)

EVICTON COMPLAINT

1. COMPLAINT. Plaintiff files this complaint against the above 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. SERVICE OF CITATION. Plaintiff requests service of citation on defendant(s) by personal service at the above-described premises or by alternative service, if necessary. Any work addresses or other addresses of defendant(s) known to plaintiff are as follows:

3. TYPE OF OCCUPANCY BY DEFENDANT (S). (*Check as applicable*)

Occupancy under a rental agreement (lease), as follows;

Defendant(s) are occupying the premises under a written or oral rental agreement, either as tenants or as permitted occupants under the rental agreement. The rental agreement does does not involve land that has been rented to defendant(s) for placement of a manufactured home owned by defendant(s).

Occupancy after foreclosure: Defendant(s) continue to occupy the premises after foreclosure sale.

Occupancy under an executory purchase contract (contract for deed): Defendant(s) continue to occupy the premises after a default under an executory contract for the purchase of the property.

Occupancy as a trespasser: Defendant(s) entered the premises without authority or invitation by plaintiff or by any tenant of plaintiff.

Occupancy under other circumstances: (*briefly describe*) _____

4. MILITARY SERVICE. The above name occupant

Is not in the military service on active duty, and is not a dependant of a service member on active duty

Is in the military service on active duty

I have been unable to determine whether or not the defendant is in the military service on active duty

Has waived his/her rights under the Servicemembers Civil Relief Act of 2003

A person who makes or uses an affidavit knowing it to be false, shall be fined and imprisoned as provided in, Title 18 United States Code.

5. ADDITIONAL INFORMATION IF MANUFACTURED HOME LOT. If the rental agreement is for the rental of land on which a manufactured home has been placed by the defendant(s), plaintiff has complied with all notice and time requirements in Section 94.203, Texas Property Code. The name(s) and address (es) of all lien holders on the manufactured home are: _____

6. NOTICE TO VACATE. Plaintiff delivered to defendant(s) a written notice to vacate in accordance with the applicable notice requirements of Section 24.005 or Section 24.006, Texas Property Code; or, if the land or lot was rented for occupancy by a manufactured home not owned by plaintiff, notice to vacate was delivered under Section 94.203, Texas Property Code.

Notice to vacate was delivered on the ____ day of _____, 20__ by the following method: (**check one or more of the following, as applicable**) personal delivery to defendant(s); personal delivery to any person residing at the premises who is 16 years of age or older; affixing the notice to the inside of the main entry door of the premises; regular mail, registered mail or certified mail return receipt requested, to the premises; or other method of delivery authorized under Section 24.005, Texas Property Code.

7. DEFENDANT (S) FAILED TO VACATE. After delivery of the above notice, defendant(s) refused to vacate the premises.

8. GROUNDS FOR EVICTION. The ground or grounds for eviction are as follows: (**check one or more as applicable**)

- Non-payment of rent
- Non-payment of utilities or other sums
- Holding over under rental agreement
- Holding over after foreclosure
- Holding over after termination of executory purchase contract
- Conduct in violation of rental agreement
- Property damage
- Trespass
- Other grounds

(**Check and fill in information as applicable**)

IF EVICTION IS FOR NON-PAYMENT OF RENT: Defendant(s) have failed to pay the rent for the period beginning _____, 20____. The total unpaid rent to time of filing this eviction complaint is \$_____. The rent is \$_____ per month week or other rental period (*describe period*) _____. The most recent rental due date prior to filing this eviction complaint was _____, 20_____.

IF EVICTION IS FOR NON-PAYMENT OF UTILITIES OR OTHER SUMS: Defendant(s) have failed to pay the following non-rent amounts (*Describe amount and nature.*) _____

IF EVICTION IS FOR HOLDING OVER UNDER RENTAL AGREEMENT: Defendant(s) are unlawfully holding over (**check one**) after the rental term or renewal period has expired or after the rental agreement or right of possession was lawfully terminated by plaintiff for violation of the rental agreement by defendant(s). The date of such expiration or termination was _____, 20_____.

IF EVICTION IS FOR HOLDING OVER AFTER FORECLOSURE: Defendants are unlawfully holding over after foreclosure of a prior lien. Plaintiff owns the premises as a result of purchase at a tax foreclosure sale or a trustee's foreclosure sale under a superior lien. Defendant(s) have refused to vacate after notice from plaintiff. Plaintiff has complied with all other requirements of Section 24.005(b) and Chapter 51, Texas Property Code, and other applicable laws. (*State facts briefly.*) _____

IF EVICTION IS FOR HOLDING OVER AFTER TERMINATION OF EXECUTORY PURCHASE CONTRACT (CONTRACT FOR DEED): Plaintiff is the seller in an executory purchase contract (contract for deed). Defendant(s) have defaulted under such contract, the contract has been terminated and defendant(s) have refused to vacate after notice from plaintiff. Plaintiff has complied with all statutory and contractual procedures required to regain possession of the premises from defendant(s), including those in Sections 5.063-5.065, Texas Property Code. (*State facts briefly.*) _____

IF EVICTION IS FOR CONDUCT IN VIOLATION OF RENTAL AGREEMENT: The conduct requirements of the rental agreement have been violated by defendant(s) or other persons for whom defendant(s) are responsible. (*State facts briefly.*) _____

IF EVICTION IS FOR PROPERTY DAMAGE: Defendant has caused substantial property damage to the premises. (*State facts briefly.*) _____

IF EVICTION IS FOR TRESPASS: (*check as applicable*) Plaintiff is entitled to possession of the premises because defendant(s) are trespassers, having entered onto the premises without authority of the property owner, tenant, or contract for deed holder. The premises are either owned by plaintiff, leased by the owner to plaintiff or under contract for deed to plaintiff. Defendant(s) have refused to vacate after notice to vacate.

IF EVICTION IS FOR OTHER GROUNDS: (*State facts briefly.*) _____

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

Rent. If eviction is based on non-payment of rent, plaintiff requests judgment for unpaid rent in the amount of \$_____, through the time of filing, and plaintiff also seeks judgment for rent accruing from the date of filing and becoming due thereafter as allowed by the court.

Attorney's fees. If plaintiff engages an attorney, plaintiff requests judgment for attorney's fees because (*check only one*) defendant(s) signed a written rental agreement containing a provision entitling plaintiff to attorney's fees, or plaintiff has given 10-day notice to vacate as provided in Section 24.006, Texas Property Code.

Post-judgment interest. If plaintiff is granted judgment for rent or attorney's fees, plaintiff requests judgment for post-judgment interest as allowed by statute or the rental agreement.

10. ATTACHMENTS. The court requests but does not require plaintiff to enclose with this complaint the following:

- (a) A copy (not the original) of plaintiff's notice to vacate;
 - (b) A copy (not the original) of any written rental agreement; and
 - (c) A copy (not the original) of the rental application of defendant(s) is also attached if the application relates to grounds for eviction.
- If no one appeals this case, plaintiff does does not give permission to the court clerk to discard the above copies.

11. I _____ acknowledge that if I need a licensed court interpreter to be present at trial, **I'm responsible for the cost.** At this time I ___am ___am not, requesting for a licensed court interpret to be present at trial to interpret the _____ language.

The Court may send any notice to plaintiff via
U.S. mail, email, telephone or fax, as set forth below

PLAINTIFF _____
(as stated at top of page 1)

Street address _____

By _____
Signature

City _____

The above is the signature of (*check only one*)

State and zip _____

- plaintiff
- Plaintiff's authorized agent
- plaintiff's attorney

Phone, if any _____

Fax, if any _____

Printed name of person signing

Email, if any _____

Title of person signing (i.e., owner, manager, president, etc.)

STATE OF TEXAS
COUNTY OF EL PASO

Sworn to and subscribed before me by the above signatory on the _____ day of _____, 20_____.

Notary Public for the State of Texas, or Justice Court Clerk

General information for Filing your Complaint with JP2 Court

Please visit our website at <http://www.co.el-paso.tx.us/jp/jp2.htm> to obtain the “Forms and Helpful Links” to properly file with our court.

Want to know how to properly fill out the complaint? Please see the Eviction Complaint Guideline on our website.

Want to know the Eviction process? Please see the Eviction Information on our website.

Once you have filled out and complete the complaint form you must sign your complaint in the presence of a Notary Public. If you do not know of a Notary Public then you may sign the complaint in the presence of our Court Clerk.

You need to provide the court with a copy of the complaint for each person named at the top of the complaint form. For example, if you name a Plaintiff and two Defendants you will need the original form and three copies to appropriately file with the Court. If you need a copy for your records you will need a forth copy. If you request our office to make copies, you will be charged \$1.00 for the first page and .25¢ for each additional page.

Our Court Clerks are trained in procedure only, and cannot give any legal advice.

Legal advice can only be obtained from an attorney. Should you feel you need legal advice please contact El Paso Bar Association at 532-7052 and/or Legal Aid 585-5100.

Need a certified interpreter?

You may reach Mr. Avila at 276-8218 or the Counsel of Judges at 546-2143.

Military Service

YOUR CASE MAY BE DISMISSED IF YOU FAIL TO ATTACH THE SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)

You must obtain and attach to the complaint the Military Status Report.

You can obtain this information at <https://www.dmdc.osd.mil/scra/owa/home>. You must provide the court a Military Status Report for each Defendant. Enter as much information you have. If you do not have the social security number, enter zeros. (see example “A”) then select “LookUp.” Print your result (see example “B”). Attach your result with the original complaint.

Court Costs

Case type	Fees with one Defendant	Fees for each additional Defendant
Evictions	\$25 filing fee + \$2 indigent legal services + \$100 citation fees = \$127.00	\$100.00 citation fee

Method of payment: cash, money order, cashier checks, debit card and most credit cards.

We do **not** accept personal checks, business checks, or Visa Credit.

EXAMPLE "A"

DMDC

Privacy Notice

Help



(SCRA) Servicemembers Civil Relief Act

SSN	000-00-0000	Repeat SSN	000-00-0000
Last	Doe	Last	Doe
Birth Yr	1968	Month	SEP
Birth Yr	1968	Month	SEP
First	Jane		
Middle			
<input type="button" value="LookUp"/> <input type="button" value="Erase"/>			
Upon clicking the "LookUp" button, based on the SSN and other personal information furnished, the Department will advise you that it does			
1. Not possess information regarding whether the individual is on active duty, or			
2. Possess information indicating that the individual is on active duty.			

EXAMPLE "B"

Department of Defense Manpower Data Center

JUN-04-2008 10:13:19



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DOE	Jane		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenseink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pjs/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BTJXNBEBE