



**JUDGE CYNDI HINOJOSA**  
JUSTICE OF THE PEACE 2-2  
835 E. LEVEE STREET 2<sup>ND</sup> FLOOR  
BROWNSVILLE, TEXAS 78520  
(956) 544-0858 / FAX: (956) 550-1467

## INFORMATION ON FORCIBLE DETAINERS

The **Rules of Judicial Ethics prohibit this office from giving legal advice or hearing your case without the presence of the defendant or plaintiff.** If you need legal counseling, we highly recommend any licensed Texas attorney. Your first meeting with the attorney is usually (but not always) free because the lawyer is trying to determine if they can be of service to you.

To begin your lawsuit:

You need to **COMPLETE & NOTARIZE** the Forcible Detainer forms with filing fee of **\$146.00**

(\$56.00 filing fee+ \$90.00 service fee) add \$90.00 for any additional defendants.

(CHECK, MONEY ORDER, EXACT CASH ACCEPTED/ CREDIT OR DEBIT A 5% IS ADDED)

1. **You must provide copy or copies of the written & dated notice given to tenant.**
2. **We count 10-21 days from the filing day to schedule your court hearing,**
3. **A constable will serve defendant with citation.**
4. **Make sure to include court costs if you wish for it to be add to the remedy.**
5. **Provide phone number & E-mail for all parties.**
6. **Hearing is in person.**
7. **Proved a copy of tenant's contract if available.**

If you win the case, the tenant has to vacate premises as ordered. If the occupant(s) has not moved out by the time and date mandated, property owner could request a **Writ of Possession for \$7.00 & \$200.00 for CONSTABLE** at our office. A peace officer will then physically remove the tenant(s) and all (his /her/their) belongings within the time required by law.

If after the judgment the tenant has not paid the rent stated in it, then the property owner can request a **Writ of Abstract for fee of \$7.00, which** is a credit lien against any credit that the tenant has. The Writ of Abstract is valid for the next 10 yrs.

Should you have any questions concerning the forms feel free to ask our clerks for assistance. If you have any **LEGAL QUESTIONS**, contact **LEGAL AID AT (956)-982-5540 or 1-800-369-2651 address 1206 E Van Buren Brownsville Texas 78520.**

**THANK YOU**

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	PRECINCT 2 PLACE 2
	§	CAMERON COUNTY, TEXAS
v.	§	
_____	§	Rental Subsidy (if any) \$ _____
DEFENDANT	§	Tenant's Portion \$ _____
(and all other occupants)	§	Total Monthly Rent \$ _____

PETITION: EVICTION CASE

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) (include name, email address, DOB, and last 3 digits of DL & SSN, if known) : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

for eviction from Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

_____	_____	_____	_____	_____
Street Address	Unit No. (if any)	City	State	Zip

**GROUND FOR EVICTION:** Plaintiff alleges the following grounds for eviction:

- Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): \_\_\_\_\_  
 The amount of rent claimed as of the date of filing is: \$ \_\_\_\_\_. Defendant  has or  has not been late/delinquent in paying rent before the month in which notice was given. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.
- Other lease violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: \_\_\_\_\_
- Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or periodic tenancy, which ended on \_\_\_\_\_, 20\_\_.
- Squatter.** Defendant(s) never had a right to possess the property and are unlawfully occupying the premises after a demand to surrender possession given on \_\_\_\_\_, 20\_\_. Plaintiff  has or  has not attached a Motion for Summary Disposition under Rule 510.10.
- Expiration of Tenancy at Will or by Sufferance.** Defendant(s) had no lease agreement and have failed to vacate the premises after being given a termination notice, if applicable, and a demand to surrender possession given on \_\_\_\_\_, 20\_\_.

**PRE-SUIT NOTICE:** Plaintiff has given Defendant(s) a  notice to vacate  notice to pay or vacate (according to Property Code § 24.005(f-3) or (f-4)) and demand for possession. Such notice was delivered on \_\_\_\_\_, 20\_\_\_\_ by this method: \_\_\_\_\_

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**SUIT FOR RENT:** Plaintiff  does or  does not include a suit for unpaid rent.

**ATTORNEY'S FEES:** Plaintiff  will be or  will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers are:

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**IMMEDIATE POSSESSION BOND:** If Plaintiff has filed a bond for immediate possession, Plaintiff requests that: (1) the court set the amount of the bond; (2) the court approve the bond; and (3) proper notices, as required by the Texas Rules of Civil Procedure, are given to Defendant(s).

**SERVICE OF CITATION:** Service is requested on Defendant(s) by: personal service at home or work, or by delivery to a person over the age of 16 years at Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Home or work addresses other than the premises where Defendant(s) may be served are:

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Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

**RELIEF:** Plaintiff requests that Defendant(s) is served with the citation and that Plaintiff is awarded a judgment against Defendant(s) for: possession of the premises, including removal of Defendant(s) and Defendant's possessions from the premises, unpaid rent, if set forth above, attorney's fees if applicable, court costs, and interest on the above sums at the rate stated in the lease, or if not so stated, at the statutory rate for judgments.

I hereby request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

**SERVICE BY EMAIL:** (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.)

Yes, I would like to receive documents related to this case by email at this email address:

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No, I do not want to receive any documents by email.

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Agent or Attorney, if any

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

State Bar No.: \_\_\_\_\_

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

Case No. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
VS.	§	PRECINT 2 PLACE 2
_____	§	CAMERON COUNTY, TEXAS

**SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT**

Plaintiff being duly sworn on oath deposes\* and says that defendant(s) is (are)

(CHECK ONE)

- Not in the military
- Not on active duty in the military and /or
- Not in a foreign country on military service
- On active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003
- Has waived his/her right under the Servicemembers Civil Act of 2003
- Military Status is unknown at this time

PLAINTIFF \_\_\_\_\_

(Select the applicable title under the signature for the jurat below)

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

- Notary Public in and for the State of Texas

\_\_\_\_\_  
SEAL

**\*penalty for making or using false affidavit-a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.**