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TRAVIS COUNTY, TEXAS
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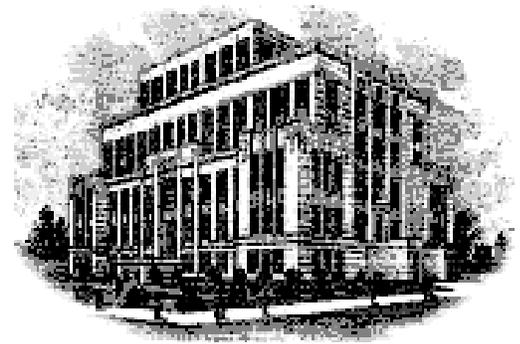
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STEPS FOR EVICTION IN TRAVIS COUNTY JUSTICE COURT, PRECINCT 5

DISCLAIMER: This handout is general information only concerning uncontested procedural matters. It does not purport to cover the law of evictions or address the merits of your lawsuit and it is not a substitute for sound legal advice from an attorney. The Court Clerks are not attorneys and are prohibited by the Judge from discussing your eviction case or answering legal questions.

Please Read Carefully:

1. An eviction **must** be filed in the Justice of the Peace Precinct where the rental property is located.
2. The notice to vacate **must be in writing** and should be unconditional. It should tell the tenant to vacate by a specific date in no uncertain terms.
Texas Property Code Sec 24.005 sets out the notice requirements for eviction suits.
3. Unless there is a written agreement between the parties shortening the notice requirements, the landlord generally must wait three (3) days after the notice is delivered before filing the eviction.
4. When filing, the landlord should bring all of the following:
 - a copy of the lease;
 - a copy of the notice to vacate;
 - \$126.00 for filing and service on one person (\$46.00 filing fee and \$80.00 service fee; there is an additional \$80.00 service fee on each additional person listed on the lease);
 - an affidavit on military status of the tenants, supported by evidence;
(U.S. Members Civil Relief Act of 2003) may be obtained at following the web site <https://scra.dmdc.osd.mil/scra#/home> with the defendant's Social Security Number and birth date
 - all work and residence addresses and telephone numbers of the tenants(s) known by the landlord.
5. Generally, all parties named in the lease should be sued and served with citation in the eviction proceeding. Any judgment granted will be effective only against those who are specifically named and served.
6. The owner's agent may file any type of eviction suit and may represent the owner at any default judgment hearing. If the case is contested, an agent may represent a party if the case is based on non-payment of rent or holding over. The parties or their attorneys must try all other types of evictions if the case is called for trial.
7. A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the Justice Court. Charges for items **other than rent** cannot be joined with the suit for eviction.
8. The eviction will be set for trial on the day of filing the case.

9. A default judgment can be granted at the time of the hearing if:
 - the tenant(s) fails to appear,
 - there is a return from the Constable showing that the tenant(s) was served,
 - an affidavit of military status, supported by evidence, is on file,
 - a copy of the notice to vacate is on file, and
 - a copy of any written lease is also on file.
10. A personal appearance and sworn testimony will be required of the landlord or agent for a judgment for rent to be awarded or where the file is incomplete (see #9 above).
11. Either party to the lawsuit has **five (5) days to appeal** the Court's decision. The appeal is perfected by the filing of an appeal bond or an affidavit of inability to post appeal bond by that time. A properly filed appeal stops all further Justice Court proceedings until there is a resolution by a County Court-at-Law.
12. If neither party appeals, the landlord may obtain a Writ of Possession from the Court after the five (5) day appeal period has expired. The Writ costs \$165 (\$5 for filing and \$160 for service) and is an Order to the Constable to cause the tenant to vacate the premises. Questions involving the execution of the Writ should be directed to the appropriate Constable's office.
13. An Immediate Possession Bond can speed the eviction process. The plaintiff may, at the time of filing the petition or at any time prior to final judgment, file a possession bond to be approved by the judge in the probable amount of costs of suit and damages that may result to defendant in the event that the suit has been improperly instituted, and conditioned that the plaintiff will pay defendant all such costs and damages that are adjudged against plaintiff.