
PLAINTIFF

VS.

No. _____

DEFENDANT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now _____ hereinafter styled Plaintiff, complaining of _____, hereinafter called Defendant, and for cause of action would show the Court the following:

I.

Both Plaintiff and Defendant are residents of El Paso County, Texas and this Court has jurisdiction over the parties and over the subject matter.

II.

That heretofore, Plaintiff as landlord, agreed to rent to defendant the premises located at _____, El Paso County, Texas, at the monthly rate of \$ _____, and Defendant agreed to pay said sum promptly on the _____ day of each and every month.

III.

The Defendant became delinquent in the rental payment due for the month (s) of _____ for the total sum of rent due and owing in the amount of \$ _____. Plaintiff has demanded the Defendant pay the rent owed but has refused and still refuses to pay the same, though continuing to use and enjoy the premises. That written notice to vacate the premises was duly given to Defendant by certified mail regular mail delivery in person, on the _____ day of _____, 20____.

IV.

Holdover as grounds for eviction. Defendants are unlawfully holding over since they failed to vacate at the end of the rental term or renewal or extension period, which was the _____ day of _____, 200____. Defendants are liable to Plaintiff for holdover rents on a daily basis, as per the lease.

V.

Other grounds for eviction. Plaintiff's other grounds for eviction of defendants are as follows:

VI.

That Defendant is wrongfully and willfully withholding said premises from Plaintiff and should be adjudged guilty of forcible entry and detainer and Plaintiff should be restored possession and restitution of his/her premises.

Wherefore, premises considered, Plaintiff prays that Defendant be cited to appear and answer herein and that on final hearing hereof, Plaintiff do have and recover Judgment against Defendant in the sum of \$ _____ for the amount of rent due; that Defendant be adjudged guilty of forcible entry and detainer; that Plaintiff have possession and restitution of his premises and that a Writ of Restitution issue thereon, that Defendant pay costs of suit; and, for such other and further relief to which Plaintiff may be entitled to receive.

Plaintiff

Address

Phone Number

STATE OF TEXAS COUNTY OF EL PASO

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing petition and after being by me duly sworn deposes and states that he/she has read the same and that it is true and correct to the best of his/her knowledge and belief and that he/she executed the same for the purpose and consideration therein expressed.

SWORN AND SUBSCRIBED BEFORE ME, by the said _____, on this the _____ day of _____, 200__.

Notary Public/Court Clerk
El Paso County, Texas

Date

(Names of all residents)

(Street address)

(City, State, Zip)

Re: Notice to Vacate for nonpayment of rent

Dear _____:

Because of nonpayment of rent on your dwelling unit, your right of occupancy and possession are hereby terminated pursuant to our oral contract. Your liability under the contract has not been terminated.

Demand for possession is hereby made, you are hereby given notice to vacate the dwelling on or before midnight, the _____ day of _____, 200__ which is at least three days from the delivery of this notice to you or to your dwelling. Your failure to move out then will result in appropriate legal action before the Justice of the Peace. Delay or postponement of such action shall not constitute waiver.

Signature of landlord or agent

Date notice was delivered

DOCKET NO. _____

CASE NO. _____

**AFFIDAVIT
SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201 (b)**

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS THAT
DEFENDANT (S)

- IS NOT IN THE MILITARY
- NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
- NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE
- IS ON ACTIVE MILITARY DUTY AND /OR IS SUBJECT TO THE SERVICE
MEMBERS RELIEF ACT OF 2003.
- DEFENDANT HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS
RELIEF ACT OF 2003.
- MILITARY STATUS IS UNKNOWN AT THIS TIME: _____

PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2008.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
CLERK OF THE JUSTICE COURT (STRIKE ONE)

Penalty for making or using false affidavit- A person who makes or uses an affidavit knowing to be false, shall be fined \$10,000 as provided in title 18 United States Code, or imprisoned for not more than one year, or both.