

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 3
	§	
_____	§	
DEFENDANT	§	NACOGDOCHES COUNTY, TEXAS

**PETITION – EVICTION CASE (WITH TEDP INFORMATION)**

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s): \_\_\_\_\_

\_\_\_\_\_ 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: \$\_\_\_\_\_. 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 renewal of extension period, which was \_\_\_\_\_, 20\_\_.

**NOTICE TO VACATE:** Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on \_\_\_\_\_, 20\_\_ by this method: \_\_\_\_\_

**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: \_\_\_\_\_

**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. Other home or work addresses 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, 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.
- I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: \_\_\_\_\_.
- I have reviewed the information about the Texas Eviction Diversion Program available at [www.txcourts.gov/eviction-diversion/](http://www.txcourts.gov/eviction-diversion/).

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Plaintiff's Printed Name

Signature of Plaintiff or Agent or Attorney

**Defendant's Information** (if known):

Date of birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Address of Plaintiff or Agent or Attorney

Phone & Fax No. of Plaintiff/Agent/Attorney

**SWORN TO AND SUBSCRIBED** on \_\_\_\_\_, 20\_\_\_\_\_

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CLERK OF THE JUSTICE COURT OR NOTARY

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

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT  
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§ PRECINCT NO. 3  
§  
§  
§ NACOGDOCHES COUNTY, TEXAS

**AFFIDAVIT SEC.201(b) – MILITARY AFFIDAVIT**

Before me, the undersigned authority, personally appeared \_\_\_\_\_,  
plaintiff, who under oath stated:

“My name is \_\_\_\_\_ (print name), Plaintiff.  
I am over the age of 18 and of sound mind.”

The above Defendant:

- is not in the military
- is not on active duty in the military
- is on active military duty and/ or is subject to the Servicemembers Civil Relief Act of 2003.
- has waived his/her rights under the Servicemembers Civil Relief Act of 2003.
- military status is unknown at this time.

“Further Affiant sayeth not.”

\_\_\_\_\_  
Plaintiff’s Signature

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

\_\_\_\_\_  
Judge/Clerk of the Court/Notary Public

**PENALTY FOR MAKING OR USING FALSE AFFIDAVIT – a person who makes or uses an affidavit knowing to be false, shall be fined as provided in Title 18 United State Code, or imprisoned for not more than one year, or both.**

**Only if the Affidavit establishes that the Defendant is not in an active servicemember can the Court proceed with a default judgment in the normal fashion.**

**Information pertaining to military status may be found through various websites, including but not limited to the U.S. Department of Defense site: <https://scra.dmdc.osd.mil>**

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## Certificate of Last Known Mailing Address

1. My name is: \_\_\_\_\_  
*First Middle Last*
2. I am the Petitioner in this case.
3. The Respondent's name is: \_\_\_\_\_  
*First Middle Last*
4. I certify that the last known mailing address I have for the Respondent is:  
\_\_\_\_\_  
*Address City State Zip*

Respectfully submitted,

\_\_\_\_\_  
*Plaintiff's Signature*

\_\_\_\_\_  
*Date*



# STATE OF TEXAS

## EVICITION DIVERSION PROGRAM

**The Texas Eviction Diversion Program (TEDP) Set-Aside of the Texas Rent Relief (TRR) Program helps Texas tenants stay in their homes and provides landlords an alternative to eviction.**

The TEDP may provide up to 15 months of rental and utility assistance for eligible tenants who are behind on their rent due to the COVID-19 pandemic and have been sued for eviction. Both the tenant and the landlord must agree to participate and meet the requirements listed on the back of this page.

This temporary program is a unique partnership between the Supreme Court of Texas, Texas Office of Court Administration (OCA), and the Texas Department of Housing and Community Affairs (TDHCA).

- If the rent is below the TRR Program maximum, assistance can be used to pay the contracted rent for all past due rent as far back as March 13, 2020 (up to 12 months), plus up to 3 months of current/future rent. An additional 3 months (not to exceed the total of 15 months) may be provided upon re-application if necessary to ensure housing stability and if funds are available.
- The TEDP allows courts to put eviction lawsuits on hold so that the tenant may apply for available rental assistance. When approved, lump sum payments are provided to landlords for past-due rent and late fees in exchange for allowing tenants to remain in their homes and covering court costs. The payment to landlord is generally within 14 days of a complete application being received. Diverted cases will be dismissed and made confidential from public disclosure.
- Tenants are ineligible if they are receiving tenant-based voucher assistance, such as a Housing Choice Voucher, project-based Section 8 or are living in public housing, or have already received rental assistance from another source for the same time period.

## LANDLORD / UNIT

### Eligibility Requirements:

- Assistance for rent and reasonable late fees (stemming from non-payment of rent) no older than March 13, 2020
- Contract rent for the household assisted may not exceed the TDHCA maximum limits (limits available by zip code and county at [TexasRentRelief.com](https://www.texasrentrelief.com))
- Must have a bank account and accept direct deposit
- Units are INELIGIBLE if tenants are receiving tenant-based voucher assistance, such as a Housing Choice Voucher, project-based Section 8 or are living in public housing, or have already received rental assistance from another source for the same time period

### Documents Needed:

- Government-issued or personal ID (only if individual/sole proprietor)
- Lease agreement (or if no lease agreement, landlord attestation as part of the application regarding term and amount of rent)
- Completed IRS Form W-9
- Direct Deposit Information
- Proof of Ownership (real property record/Appraisal District information)

### You will be required to certify that you:

- Will waive any fees or penalties not covered by TEDP/TRR, and not pass court costs on to the tenant
- Have not received assistance from another program for the same months of rent for this household and will not apply in the future for the covered months
- Will release the tenant from payment liability for this time period, waive all claims raised in the eviction case, and not evict the tenant for the period covered by TEDP/TRR
- Will reimburse the TEDP/TRR within 10 business days if you receive rent payment for this same unit and time period

## TENANT / HOUSEHOLD

### Eligibility Requirements:

- Household has been sued for eviction from primary residence, located in Texas, and has eviction court docket number
- Household income at or below 80% of Area Median Income (limits available by county at [TexasRentRelief.com](https://www.texasrentrelief.com))
- AND one or more of the household members:
  - Qualified for unemployment benefits on or after March 13, 2020; OR
  - Attest in writing that due to or during the pandemic they have:
    - Experienced a reduction in household income,
    - Incurred significant costs, or
    - Experienced financial hardship
- AND households must demonstrate:
  - That they are at risk of homelessness or housing instability by providing an eviction notice or past-due utility or rent notice; OR
  - Attest that unless they receive rental assistance, they would have to move to an unsafe/unhealthy environment like a shared living situation or emergency shelter

### Documents Needed:

- Government-issued or personal ID of a person on the lease
- Lease agreement (or if no lease, rent receipt for the three most recent complete months paid)
- Income documentation:
  - If household has 6 or fewer members, recent SNAP or LIHEAP eligibility or recent SSI eligibility for the head or co-head of household, OR
  - Recent income certification from an affordable property, OR
  - Annual income documentation for 2020, OR
  - Income evidence for past 30 days (self-attestation allowed in some circumstances, more details on [TexasRentRelief.com](https://www.texasrentrelief.com))
- Notices of late rent payment or notice to evict, including court docket number, Justice of the Peace precinct, and county
- Past due utility bills, if utility assistance is being requested
- Unemployment documentation, if applicable

### You will be required to certify that you:

- Have not received rental assistance for the same months of rent or the rental assistance received was less than the full amount owed, and will not seek such assistance in the future for the covered months
- Will reimburse the TEDP/TRR within 10 business days if you receive rent (or utility) payment for this same time period

Tenant and Landlord both apply online ([TexasRentRelief.com](https://www.texasrentrelief.com)) or by phone (833-9TX-RENT)  
If Texas Rent Relief application is eligible and complete, payment to landlord is generally within 14 days

### For Questions

Program Eligibility, Process and Application: [TexasRentRelief.com](https://www.texasrentrelief.com) | 833-9TX-RENT / 833-989-7368

Court Process: [txcourts.gov/eviction-diversion](https://txcourts.gov/eviction-diversion) | 855-270-7655 (Texas Legal Service Center)

