

EVICTON GENERAL INFORMATION

To file an eviction you will need to do the following-

1. An eviction must be filed in the precinct where the rental property is located. A map is available on the website www.co.hood.tx.us and maps are available in each of the Justice of the Peace offices. Your property must be properly marked with the physical address assigned by the 911 emergency address system or the appraisal district.
2. Texas Property Code, Sec. 24.005, sets out the notice requirements for eviction suits. (Unless the notice requirements are stated in the signed lease)
3. **The Notice to Vacate must be in writing and should be unconditional**, (i.e. it should tell the tenant to vacate by a specific date in no uncertain terms naming each occupant the landlord seeks to evict from the premises)
4. Unless there is, an agreement between the parties shortening the notice requirements, the landlord **must wait 72 hours (three days) after the Notice to Vacate is served/posted before filing the eviction**. Delivery of the Notice to Vacate must be done by one of the following methods:
 - a. Handed to a tenant in person, or anyone age 16 years or older living at the premises.
 - b. Posted to the inside of the main entry door.
 - c. Mailed via Certified Mail to the tenant. If mailed, the landlord must wait an additional two (2) days to allow for the mail to be delivered before filing the eviction.
5. All parties named in the lease should be sued and served with a citation in the eviction proceeding. Any judgment granted will run **ONLY** against those who are specifically named and served.
6. A default judgment can be granted if the tenant fails to answer and/or appear for court after being served.
7. A court date will be set at the time the eviction is processed by the court clerk. The Plaintiff's court notice will be attached to receipts issued for court costs and is usually setup 15-21 days from the date of filing. The Defendant's court notice will be included with the service papers. Both parties are expected to appear at that date and time. Any continuance must be in writing and submitted at least 48 hours to the court date.

8. Court Costs **must** be paid at the time of the eviction suit is filed.

Please submit TWO SEPARATE PAYMENTS

\$54.00

~~\$46.00~~ – PAYABLE TO: **HOOD COUNTY JP2**

\$90.00 – (PER DEFENDANT) PAYABLE TO: **HOOD COUNTY CONSTABLE**

We are prohibited by law from giving legal advice!!!!

**Should you need legal assistance,
please contact an attorney or call 800-955-3959**