

# The Eviction Process

## STEP ONE    THE LANDLORD MUST GIVE A 3-DAY OR 30-DAY

### WRITTEN NOTICE TO VACATE

**1.1** *This is the first step in the process of Eviction. A courtesy notice (**Vacate Notice**) is a required step by the State of Texas Law given before any legal action can be taken. Notice must be given to tenant by landlord stating that landlord will take them to court if they do not pay or move. This Notice can be given in one of following ways:*

- (1) By certified mail with return receipt requested. In order for this to be a good service, the green card must be signed by the tenant or lessee at the address.
- (2) By an uninterested party with a witness (uninterested party) present and/or notary.

*Keep a copy with the time and the date served or posted.*

**\*\*IF THEY DO NOT MOVE WITHIN REQUIRED DAYS, GO TO SECOND STEP\*\***

## STEP TWO

### THE LANDLORD FILES THE EVICTION SUIT WITH THE COURT

- 2.1** The written notice must have expired before filing sworn complaint with the court. The present costs for filing this suit is **\$154.00** The Eviction Citation is set no less than 10 days and no more than 21 days from the date the Citation is served.
- 2.2** **The Hearing** – Once the Judge Rules, Either Party has 5-Days to Appeal.
- 2.3** **Ruling in Favor of the Landlord** – On the sixth Day (After the appeal or trial-days have expired) and the tenant has not appealed or moved, the Landlord may file for a Writ of Possession.

## STEP THREE

### WRIT OF POSSESSION IS SENT TO THE CONSTABLE'S OFFICE FOR EXECUTION

- 3.1** The Constable will Post a Written Warning on the door of the Rental Unit at least 24-hours before the Writ will be executed – Stating the Date and Time the Writ will be executed.
- 3.2** If the tenant fails to move by that time and date, the Writ is executed...the Landlord must supply the Labor that will work under the Constable's supervision. The cost for filing Writ of Possession is **\$205.00**.
- 3.3** If the actual move out is over two hours, **the landlord is charged \$75.00 per deputy, per hour** that it takes to remove all renters' personal possessions from the said property.

**The landlord may not keep any personal possessions of renters to satisfy back rent owed.**

Detail information on Landlord-Tenant property disputes can be found The Texas Property Code, Title 8. Landlord and Tenant, Section 91.001