

## There are four steps in the Eviction process:

1. The notice to vacate
2. Filing the Suit
3. Going to Court
4. Writ of Possession

### 1. The notice to vacate

If a landlord alleges a tenant that is behind on rent or has a lease violation, the Landlord is required by law to give the tenant a three day **written** notice to vacate the premises. How to deliver the notice options...

**A)** In person – Personally delivered to the tenant or any person residing at the premises who is 16 years of age or older

**B)** Personally delivered – to the premises by attaching the notice to the **INSIDE** of the main entry door.

**C)** By mail – By regular mail, Registered mail or certified mail, return receipt requested, to the premises in question

**D)** If Above Options Won't Work – Securely affix the notice to the outside of the main entry door in an envelope with the tenant's name, address and the word "IMPORTANT DOCUMENT" or similar language AND by 5pm of the same day deposit in the mail a copy of the notice to the tenant.

\*\*The Texas Property Code 24.005 requires you the Landlord to deliver the written notice, and then wait three days before filing your suit in Justice Court. This is a legal requirement which must be met and cannot be overlooked. If a landlord is requesting attorney's fee, the landlord must give a 10 day Notice to vacate.

### 2. Filing the Suit

You must file an original petition with the Court and pay \$121.00 (subject to change). These courts costs pay for filing your suit, your court hearing, and for the Constable to serve the citation. The citation is the notice to the tenant that you are attempting to evict him.

### 3. Going to Court

You must go to Court and prove your case by the preponderance of the evidence. Simply filing a suit does not mean you will win your suit. You should bring all documents and other evidence with you to Court in a well-organized fashion. At the hearing, you will have to present evidence to show that you are entitled to possession of the premises

### 4. Writ of Possession

If you have won your suit in Court, and the mandatory five day appeal period has passed, and the other party is still in the premises; you can file a Writ of Possession in Court. A Writ of Possession is a Court order to the Constable to place you in possession of the property. The Writ of Possession will cost you an additional \$130 (subject to change), and may be requested at the Justice of the Peace office where the judgment is. The Constable of your Precinct can answer your questions about this Writ.

## How long does it take to evict someone in Texas?

From start to finish **approximately** three weeks

- 3 days from notice to vacate to filing of suit
  - 8-10 days to serve the citation -The law requires the defendant have a least six days no more than 10 days notice before the hearing.
  - 5 days to appeal the suit following the hearing required by law.
  - 2 days -The Constable is required by law to post a 24 hour vacate notice on the Writ of Possession
- 20-23 days is the minimum amount of time to evict someone in any County in Texas. It must also be noted that any eviction suit is subject to appeal to the County Courts-At-Law.

It is best to file the eviction on the first of the week because you lose only one weekend, if you file late in the week your hearing date is three or four days longer.

