

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 is not paying rent, the Landlord is required by law to give the tenant a three day **written** notice to vacate the premises. The written notice must be attached to the inside of the main entry door. If home is keyless, dangerous dog, etc., the landlord can attach the notice to the outside of the main entry door. This notice can be delivered to the tenant personally, regular mail, by certified mail (return receipt requested) or by any other method allowed by law. Unless your lease specifically states otherwise, the law requires you 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 \$101.00 (subject to change). These court 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 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 loose only one weekend, if you file late in the week your hearing date is three or four days longer.