

There are four steps in the Eviction process:

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

1. The notice to vacate

-If a landlord is evicting for lease violations other than non-payment, a three day notice to vacate the property is all that is required.

-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 pay rent or vacate the premises.

- If tenant was previously late on the rent, may give either “notice to pay rent or vacate” (if they pay, they get to stay) or “notice to vacate” (they have to go whether or not they pay).
- If tenant was not previously late on the rent, landlord must give “notice to pay rent or vacate.”
- The counting resets with each new lease agreement for purposes of determining if someone was previously late.
- If NTV without option to pay, must plead/prove that the tenant was previously late.

Notices must be delivered using at least one of the following methods:

- A.) mail, including first class mail, registered mail, certified mail, or a delivery service;
- B.) delivery to the inside of the premises, in a conspicuous place;
- C.) hand delivery to any tenant of the premises who is 16 years of age or older; or
- D.) if the parties have agreed in writing, electronic communication, including e-mail or other electronic means.

2. Filing the Suit

You must file an original petition with the Court and pay \$134.00 (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 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 \$155.00 (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.

Eviction Timelines:

- 3 days- notice to vacate to the filing of suit
- 10 to 21 days to hearing after filing based on the Judge’s docket availability.
- 5 days to serve the citation -The law requires the defendant have at least 4 days’ notice before the hearing.
- 5 days to appeal the suit following the hearing required by law. If the appeal is perfected the County Court must hold trial within 21 days of receipt of the appeal.
- 2 days from filing of Writ of Possession -The Constable is required by law to post a 24 hour vacate notice on the Writ of Possession.
- 21 days is the **minimum** amount of time to evict someone in any County in Texas.