

# Evictions

## Introduction

All eviction suits must be filed in the Justice of the Peace Precinct where the property is located. It is important to understand that the Judge is neither an advocate for the landlord or tenant, and each case is tried on it's own individual merit. Court costs in the amount of **\$126.00** are due at the time of filing (additional fees may apply).

If your property is located in Precinct 1 - Place 2, you can file a suit to legally evict someone in this Court. Once the suit is filed, the Judge holds a hearing to determine who has the superior right of possession to the property. By law, you are only allowed to sue for past due rent in an eviction case.

## Which Precinct Is My Property Located?

The [Fort Bend County Voter Street Guide](#) is a helpful tool for candidates, officeholders and the general public for determining voting precinct and district assignment to street addresses. Justice of the Peace and Constables use this guide to determine/verify jurisdiction on service addresses.

## The Eviction Process:

### 1. The notice to vacate

If the landlord alleges a tenant is not paying rent, the Landlord is required by law to give the tenant written notice to vacate the premises. This notice can be delivered to the tenant personally with a witness, 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.

### 2. Filing the Suit

You must file an original petition with the Court and must pay court costs. 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 a preponderance of the evidence. Simply filing a suit does not necessarily 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 request for 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 fee, and may be filled out at our office. The Constable of your particular Precinct can answer your questions about this Writ.

Search [Texas Constitution and Statutes](#) related to evictions.

The Texas Property Code, Texas Rules of Court, and Civil Practices and Remedies Codes are books of law. Nothing within this web site should be construed as legal advice. You are always encouraged to consult a law book or speak with your attorney concerning legal issues.

## Download / Print

- [Eviction Complaint](#)
- [Cares Act & CDC Moratorium Affidavit](#)

## Self Help Information:

[Eviction - As a Plaintiff](#)

[Evictions: Plaintiff \(Spanish\)](#)

[Eviction - As a Defendant](#)

[Evictions: Defendant \(Spanish\)](#)

**You may also visit the TJCTC website for additional information at <https://www.tjctc.org/SRL>.**

## Disclaimer:

The information contained in this section is NOT purported to be all inclusive. Neither is it intended to serve as legal advice. You are strongly encouraged to consult the actual law, or consult with an attorney for answers to your questions. The County Law Library, on the 3rd floor of the Fort Bend Justice Center located at 1422 Eugene Heimann Circle, Richmond, TX 77469, has law books that cover the topics discussed in this section.

Search [Texas Constitution and Statutes](#) to access Texas law books cited on this page.