



# JUDGE ERIC KERL

Justice of the Peace, Place 1, Precinct 1, Ochiltree County, Texas



## ***Eviction Cases***

*"The information contained herein is not exhaustive and is not intended to be legal advice."*

### **Justice Court Civil Cases**

#### ***"I Just Want to Talk to the Judge....."***

The Code of Judicial Conduct prohibits the Judge from engaging in communication concerning the merits of a pending case or one that may be filed in the future.

Most people understand this when they consider how they would feel about the judge discussing their case with the other party without their knowledge or consent.

#### ***"But Your Clerk Said..."***

The Code also prohibits a Judge or Court Staff from giving legal advice.

#### ***"Do I need a Lawyer?"***

Legal representation is not required. Legal representation may be desired to safeguard your rights and interests.



Legal Assistance  
*Asistencia Legal*

Free Legal Assistance;  
www.tlsc.org 512-477-6000

Texas Law Help  
<https://texaslawhelp.org/>

Texas State Law Library;  
[www.sll.texas.gov](http://www.sll.texas.gov)

Self Help Packets for Filing a Case  
*Paquetes de ayuda para presentar una demanda*

Texas Justice Court Training Center;  
[www.tjctc.org/srl.html](http://www.tjctc.org/srl.html)



## **COURTROOM POLICY**

Electronic devices, cell phones, pagers, etc. *must be* TURNED OFF.  
All packages, purses, briefcases, etc. are subject to search by bailiff at any time.  
Individuals causing distractions or disruptions are subject to removal from the courtroom.

## **PROPER ATTIRE REQUIRED**

Shorts are permitted for juveniles or if part of a company's dress code.  
No: Cut offs, swimsuits, exposed midriiffs, muscle shirts.  
No sagging pants, tuck in  
long shirts. Gentlemen  
remove hats or caps.  
Shoes are required.

## **DRESS CODE WILL BE STRICTLY ENFORCED**

**Ochiltree County, TX, Place 1, Precinct 1**  
511 S. Main Perryton, Texas 79070  
Phone: 806-435-8020 Fax: 806-434-0421

**NO FOOD OR DRINKS ALLOWED IN THE COURTROOM**

# JUSTICE COURT CIVIL CASE INFORMATION SHEET (2/2021)

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED \_\_\_\_\_ Vs \_\_\_\_\_

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:	2. Names of parties in case:
Name: _____ Telephone: _____	Plaintiff(s): _____
Address: _____ Fax: _____	_____
City/State/Zip: _____ State Bar No: _____	Defendant(s): _____
Email: _____	_____
Signature: _____	[Attach additional page as necessary to list all parties]
Plaintiff requests trial to be set as soon as possible (please circle)      yes	_____

**3. Indicate case type, or identify the most important issue in the case (select only 1):**

<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.

**Justice of the Peace**  
**Judge Eric Kerl**  
 511 S. Main St.  
 Perryton, Texas 79070  
 Phone (806)435-8020 Fax: (806) 434-0421  
 Email: [justiceofthepeace@ochiltree.net](mailto:justiceofthepeace@ochiltree.net)

**PETITION FOR EVICTION**

Court Date \_\_\_\_\_ @ 10:00am

I hereby acknowledge the court date and understand if the Plaintiff fails to appear the case may be Dismissed for want of Prosecution.

X \_\_\_\_\_ (initial)

Case No.: \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_ Agent or Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

**VS**

Defendant(s): \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_

**TO THE HONORABLE JUDGE OF THE COURT:**

1. This suit is brought to regain possession of the premises located at \_\_\_\_\_, a property located within the boundaries of the Justice of the Peace, Pct. 1, Ochiltree County, Texas.
2. **Service of Citation:** Other addresses where the defendant(s) may be served in Ochiltree County are: \_\_\_\_\_
3. The owner/landlord claims they should regain possession of the premises due to (check one):
  - Non-payment of rent**
  - Lease violations** (other than non-payment of rent), as follows: \_\_\_\_\_
  - Holdover at end of term**
4. The tenant rented this property on or about: \_\_\_\_\_ and still maintains possession of the property. The Lease is (Check one):  **written**  **oral**
5. The above-named defendant:
  - is not in the military service on active duty, and is not a dependent of a service member on active duty.
  - is in the military service on active duty.
  - I have been unable to determine whether or not the defendant is in the military service on active duty.
6. The rent is \$\_\_\_\_\_ per month and is due the \_\_\_\_ day of each month.
7. **Notice to Vacate:** Written notice to vacate and demand for possession was given on \_\_\_\_\_ in accordance to Chapter 24.005 of the Texas Property Code by the following manner:  **Certified Mail**  
 **Regular mail**  **Attached to inside of main entry door**  **Attached to outside of door and mailed**

**THIS COURT IS ASKED TO EVICT THE TENANT AND ORDER TENANT TO:**

- Pay rent owed in the amount of \$\_\_\_\_\_.
- Pay court costs.
- Pay reasonable attorney's fees of \$\_\_\_\_\_.

*Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.*

\_\_\_\_\_  
*Plaintiff*

\_\_\_\_\_  
*Plaintiff's Agent or Attorney*

Said Plaintiff (or agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said Affiant, true and correct.

**Subscribed and Sworn** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Clerk of the Court or Notary Public*

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

IN THE JUSTICE COURT

VS.

PLACE 1, PRECINCT 1

\_\_\_\_\_  
DEFENDANT

OCHILTREE COUNTY, TEXAS

**TEXAS SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT**

**STATE OF TEXAS  
COUNTY OF OCHILTREE**

**BEFORE ME, the undersigned authority personally appeared the below-named affiant,  
who upon oath deposed and stated:**

I am over the age of eighteen (18) and am competent to make this affidavit. I am the

- Plaintiff
- Plaintiff's agent

in the above-entitled and numbered matter.

I have

- made a personal investigation
- personally reviewed the business records of the Plaintiff

As a result of the investigation or review, it is my belief that the above-named

- defendant is not in the military service on active duty, and is not a dependent of a service member on active duty
- is in the military service on active duty
- I have been unable to determine whether or not the defendant is in the military service on active duty

I understand that any false statements in this document are made under penalty of perjury,  
and that making a false statement is a violation of Federal Law and is subject to both fine and imprisonment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Affiant

Subscribed and sworn to bore me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



\_\_\_\_\_  
 Clerk of the Court/  Notary Public