

**CHRISTOPHER BATES  
CONSTABLE PCT 2  
JEFFERSON COUNTY**

**Eviction Procedure**

**First Step**

A written vacate notice with a minimum of 3 days (72 hrs) is to be given. If a lease contract states more or less days are to be given, use that number on the written vacate notice. The Notice must state the name of person being evicted, address of person, and reason for eviction. The notice is given to the tenant by the landlord. Keep a copy of the notice with the date and time the notice is served. After the number of days to vacate have expired, go to 2<sup>nd</sup> step. Texas Property Codes rules on serving a vacate notice is on the next page.

**Second Step – Cost \$121.00 (one person served)**

File for an **Eviction Citation**. A Civil Suit must be filed in Justice of the Peace Court in the precinct where the property is located. After suit is filed, the Constable's office serves the Eviction Citation. A hearing date is normally set 14 days from the date eviction citation is filed. If judgment is in plaintiff's favor, Plaintiff can go to 3<sup>rd</sup> step after the number of days specified by the Judge.

**Third Step – Cost \$155.00**

File for **Writ of Possession**. This is an order to have the Constable's Office there to keep the peace and oversee the removal of the tenant and the tenant's property. The Constable's Office is not responsible for the physical removal of the tenant's personal possessions. The landlord needs to secure workers to do the physical move out. Once the Constable's Office receives the Writ of Possession, a 24-hour notice is posted to the door of the property giving notice the actual move out is forthcoming. After eviction is complete, a signed Writ of Possession is given to the landlord.

**The landlord may not keep** any personal possessions of the renters to satisfy back rent owed.

If the actual move out is over two hours, **the landlord is charged \$50.00 per deputy per hour** that it takes to remove all renters' personal possessions from the said property.

**\*\*See next page**

**CHAPTER 24.005      PROPERTY CODE      SECTION (f)-(h)**

(f) Except as provided by Subsection (f-1), the notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. Notice by mail may be by regular mail, by registered mail, or by certified mail, return receipt requested, to the premises in question.

(f-1) As an alternative to the procedures of Subsection (f), a landlord may deliver the notice to vacate by securely affixing to the outside of the main entry door a sealed envelope that contains the notice and on which is written the tenant's name, address, and in all capital letters, the words "IMPORTANT DOCUMENT" or substantially similar language and, not later than 5 p.m. of the same day, depositing in the mail in the same county in which the premises in question is located a copy of the notice to the tenant if:

(1) the premises has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to affix the notice to vacate to the inside of the main entry door; or

(2) the landlord reasonably believes that harm to any person would result from personal delivery to the tenant or a person residing at the premises or from personal delivery to the premises by affixing the notice to the inside of the main entry door.

(f-2) Notice to vacate under Subsection (f-1) is considered delivered on the date the envelope is affixed to the outside of the door and is deposited in the mail, regardless of the date the notice is received.

(g) The notice period is calculated from the day on which the notice is delivered.

(h) A notice to vacate shall be considered a demand for possession for purposes of Subsection (b) of Section 24.002.