

# Unusual Eviction Issues: Filing Through Judgment

**John Lackey**

Staff Attorney

Texas Justice Court Training Center

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## Agenda

This is a scenarios discussion class about unusual types of evictions.

- You will discuss the question(s) on the slide **at your table**.
- Feel free to use any available resources to answer, including [www.tjctc.org](http://www.tjctc.org) materials.
- Nominate table spokesperson who will share your answer.

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## Funded By A Grant From The Texas Court Of Criminal Appeals

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## Resources

- **[www.txcourts.gov](http://www.txcourts.gov)**
  - Texas Rules of Civil Procedure (TRCP)
- **[www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)**
  - Texas Constitutions and Laws
- **[www.tjctc.org](http://www.tjctc.org) (The Training Center's website)**
  - Deskbooks, including the Eviction Deskbook
  - Legal question board, forms, webinars, recordings for credit, self-paced modules, Charts & Checklists

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## Warm Up Questions

Make introductions at your table and decide name for the table/team. Write the name on the placard with markers. Then:

- What is the most memorable eviction in your court?
- How did the judge rule?

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### Scenario 1

Elvira takes part in the Housing Choice Voucher Program and is receiving Section 8 Tenant-Based Assistance. Landlord signed Housing Assistance Payments (HAP) contract with the local public housing agency (PHA). Elvira pays 40% of the total rent amount and PHA pays 60% of the rent each month. 3 months in, PHA inspects the premises and determines that it fails inspection. They notify landlord they will not pay until repairs are made. Elvira continues to pay her rent portion (40%). Landlord files eviction in your court against Elvira for nonpayment. What would you point out to the judge? Ruling? See handout 1 for an example of the HAP contract.

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## Scenario 2

Pee-wee Herman is trying to evict “squatters” in a small guest house on the back of his lot. He says they started off as guests but now refuse to leave. They told him that they know their rights and they do not have to leave. There is no landlord-tenant relationship, nor do they pay any bills. City police officers say they cannot charge them with criminal trespass because it is a civil matter. Mr. Herman wants to know if he can bring an eviction case and, if not, how does he get rid of these people.

What should he be told?

Are they squatters?

Can he bring an eviction suit against them?

What does he have to do first?

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## Scenario 3

Yoda has gone back to college. A family near campus allows Yoda to have room and board, plus a little money each month in exchange for helping around the house. There is no written lease or any other written agreement. The family decides they no longer wish to have Yoda as a tenant. There is no unpaid rent, nor any other breach of agreement. What type of tenant is Yoda? What notices, if any, does the family need to give Yoda before filing an eviction?

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## Scenario 4

Big Bird has several homes. While Big Bird was away from his Texas estate, Jon Snow saw the house was unoccupied and moved in. Mr. Snow has never had a right to be there and just started living there two months ago. When confronted by Big Bird, Mr. Snow now refuses to leave.

- Is he a tenant?
- How can Bird Bird oust Jon Snow?
- What type of notice must be provided?

What if Mr. Snow rented the house out to a woman named Gigi.

- Can Big Bird evict Gigi?
- How much notice does Gigi get?

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## Scenario 5

Bronson rented a house from Amber for him and his 10-year-old daughter Thea. A year later, John moved in with them and was added to the lease. Bronson has now also subleased the garage apartment to Rebecca. Who is a tenant of Amber and who is an occupant? If Bronson is evicted, who goes with him?

Tenant	Occupant
Bronson	Thea
John	Rebecca

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## Scenario 6

GANDALF ENTERED A LEASE TO OWN CONTRACT WITH HOLLY GOLIGHTLY. MS. GOLIGHTLY HAS STOPPED MAKING PAYMENTS UNDER THE CONTRACT, AND GANDALF FILED AN EVICTION IN YOUR COURT. WHAT DO YOU NEED TO KNOW? WHAT PROCEDURE SHOULD BE FOLLOWED IN THESE TYPES OF CASES?

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## Scenario 7

Marge and Homer Simpson started renting a house in your precinct. The landlord, Mr. Burns, wants to evict them over several alleged breaches of lease. On the petition, Mr. Burns listed “Homer Simpson and all other occupants”. Can he evict Marge using this verbiage? Why or why not?

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## Scenario 8

Morticia Addams has just filed for divorce from Gomez. She owned the home before they were married, and the deed only has her name on it. Can spouses evict each other in justice courts? Is there other information that you need to make the decision in this case? If so, what? Would it be different if Morticia was saying it was a common law marriage, and Gomez is disputing the marriage? What would she have to prove?

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## Scenario 9

Dorothy Gale is a landlord in your county. One of her tenants has failed to pay rent timely and will not return her calls. She provides the proper notices and files an eviction. After she has filed, she sees on Facebook that the tenant has died.

- What is the proper procedure for when a tenant dies?
- Can the court still hear the eviction?
- Is there other information that you need? If so, what?
- What if the tenant failed to provide any next of kin to Ms. Gale?

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## Scenario 10

Norman Bates owns and runs a hotel. James Gum often stays at this hotel. Mr. Gum always stays in the same room, pays monthly, and stays for 3-month stretches each time. The maids are not allowed to enter the room during Mr. Gum's stay unless he requests them beforehand. Mr. Bates and Mr. Gum are the only two that have a key to that room during his stay. Mr. Bates is not allowed in Mr. Gum's room without prior approval. Recently, there has been a disagreement, and Mr. Bates wants Mr. Gum out of the hotel. Does he have to file an eviction to do so? Need any additional facts? If a hotel files an eviction, what do you normally do?

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## Scenario 11

Ruth Asawa is renting a house and signed a year lease for a fair market value. Six months in, the house gets foreclosed on because the homeowner did not pay their mortgage. Phillip Johnson buys the house at the foreclosure auction and wants to evict Ruth. Can he do that? If so, how? Is there other information you need to know? If so, what?

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## Scenario 12

URSULA OWNS A HOME BUT CANNOT MAKE HER MORTGAGE PAYMENTS. SHE ULTIMATELY GETS FORECLOSED ON. SHE SAYS THE FORECLOSURE WAS DEFECTIVE. CAN THE NEW OWNER EVICT HER? NEED ANY ADDITIONAL INFORMATION? IF SO, WHAT? HOW MUCH NOTICE IS URSULA ENTITLED TO FOR THE EVICTION?

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Thank You!  
Questions?

**John Lackey**

Staff Attorney

Texas Justice Court Training Center

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