

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

AFFIDAVIT OF INABILITY TO SERVE

On _____, 20____, the affiant _____, appeared before me, and after being duly sworn, stated:

"I am Constable/Deputy Constable for Precinct _____ of _____ County, Texas, and on _____, 20____, at ____:____.m. this office was assigned a Small Claims Citation Eviction Citation Other in this case and was instructed to attempt delivery to Defendant at their usual place of business or residence at: *(address of defendant/judgment debtor)*

and have made the following listed attempts and efforts to deliver process without success:

Officer	Date	Time	Comment

The officers of this office have made diligent effort to obtain personal delivery on the above defendant at the above locations. They have made these attempts at various hours of the day and have left business cards and door hangers, but to date have heard nothing from the defendant. I feel that we will be unable to obtain delivery of this process without *(description of alternative service – example: an order to deliver process to anyone over the age of 16 or directing this office to attach the process securely to the front door at the above locations)* _____

Therefore, I am applying for alternate service under Rule 501.2(e) Rule 106 Rule 510.4(c).

Deputy/Constable

_____ County, Precinct _____

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

Constable's Return Checklist - Citation

- Makes sense
- Grammar and spelling
- Cause number
- Case name / caption
- Received date and time
- Name and county of the court where case is filed
- Address served including county
- Date and time of delivery included
- Served Monday - Saturday
- Person served identified & described in return
- Description of what was served i.e. petition, subpoena, etc.
- All attempts described
- Officer signed, dated

Type of Service (check one)

- Handed to named defendant (delivered)
- Registered/certified mail (return receipt included in return)
- Business – name and capacity i.e. agent, owner, partner, etc. (CPRC Ch 17)
- Person refused service (after contact with officer):
 - Person served identified,
 - Person served informed of nature of process and that service is being attempted, and
 - Papers deposited in an appropriate place in the person's presence or near where they are likely to find them
- Publication
 - Dates of publication included,
 - Affidavit of publication from newspaper, and
 - Copy of the publication included
 - Published on TOPICS website: <https://topics.txcourts.gov/>
- Substitute/Alternative Service
 - Approved by court:
 - Mailing + any person over 16 at residence, or
 - Mailing +
 - Social media – message included
 - Email – copy of email & return receipt included
 - Posting
 - Other

Constable's Return Checklist - Execution

- Makes sense
- Grammar and spelling
- Cause number
- Case name / caption
- Received date and time
- Name and county of the court where case is filed
- Address executed including county
- Served Monday – Saturday
- Name of all officers who made attempts or executed
- Person served copy of writ identified & described in return (if applicable)
- Description of how/when demand made
- Person who demand was made to identified & described (judgment creditor or agent)
- Description of what was served i.e. petition, subpoena, etc.
- All attempts described
- Officer signed, dated

Property

- Description of property designated by judgment debtor (if any)
- Description of seized property
- Description of any information about judgment debtor's property given by judgment creditor
- Any claim made by judgment debtor that property is exempt from seizure

Sale

- Description of posting
- Description of property sale
- Purchaser identified & described
- Description of money collected/disbursed

Unsuccessful/ Nulla Bona

- Description of diligence used by the officer trying to execute
- Reason for no seizure of property
- Where the judgment debtor can be found if known