

# Eviction Procedure Through Judgment Flowchart

Sworn petition filed with the court, with filing fee or Statement of Inability. May join claim for back rent if within court's jurisdictional limit. No counterclaims may be filed. *TRCP 510.6*

Citation immediately issued, containing the date for trial, which must be **no less than 10 days and no more than 21 days from the date the petition was filed.** *TRCP 510.8*

Request for alternative service made. *TRCP 510.8(e)*

If at least two attempts of service have been made at all addresses in the county, court grants alternative service, at least 4 days prior to trial a copy must be delivered to premises by placing through a door mail chute or slipping it under the front door (if impossible, may be securely affixed to front door or main entry) and mailing a copy to the premises by first class mail. *TRCP 510.8(e)*

Citation served either by personal service or delivery to person at least 16 years old at the defendant's residence. *TRCP 510.8(d)*

Return of service filed at least the day before trial. Trial held no less than 4 days after service. If plaintiff doesn't appear, may postpone or dismiss. *TRCP 510.8(f), 510.15(b)*

Must be a jury trial if party requests in writing at least 3 days before trial or 3 days after service (whichever is later) and pays \$22 jury fee or files Statement of Inability. *TRCP 510.15(c)*

Postponements may be granted for good cause, but a postponement **may not** be for more than 7 days unless all parties agree in writing. The court must not postpone the trial date beyond 21 days after service of citation without the parties' agreement. *TRCP 510.13*

Court **must** take sworn petition as true and render default if petition contains all elements. Judgment must include appeal bond amount and monthly rent amounts for residential eviction. *TRCP 510.16*

Does defendant file an answer or appear at trial?

No

Yes

If any elements are missing, plaintiff can offer testimony and evidence at the hearing in order to prove their case. Cannot add information that would serve as an unfair surprise. Judgment for defendant if plaintiff can't prove case.

Plaintiff must provide defendant's last known address and SCRA affidavit.

Court hears all evidence and renders the appropriate judgment, including appeal bond amount and, if tenant loses, monthly rent amounts to be paid into registry if case is residential eviction.

Court **must immediately** mail notice of default judgment to defendant's address provided by the plaintiff and if different than the premises, also to the premises. *TRCP 510.16(c)*