

# Evictions Scenarios

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## Scenario 1

- The defendant does not show up for trial. The judge looks at the return of service and notices that the citation was served three days ago.
- Can the court grant a default judgment?
- If not, what should the court do?
- What if, instead, the defendant does show up, and service was three days ago?



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## Scenario 2

- If a petition lists a defendant "and all occupants," who can show up to defend the case?
- Who could appeal a judgment awarding possession to the plaintiff?
- What if the petition doesn't list "and all occupants", what would be different?



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## Scenario 3

- Lawrence files an eviction suit against Terry and wins at trial. A judgment for possession is signed by the judge on Monday, October 5, 2026.
- At 9:00 a.m. on Tuesday, October 13, Lawrence comes to the court and asks for a writ of possession and pays the Constable's service fee. The court issues the writ.
- At 3:00 p.m. on Tuesday, October 13, Terry comes to the court and files an appeal bond perfecting an appeal.
- Is Terry's appeal on time?
- If so, what should the court do about the writ of possession?
- What if the court closes at 4:30? What about closing for lunch?

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## Scenario 4

Landlord Bronson sought to evict John because of an unauthorized occupant, John's girlfriend Rebecca. Rebecca claims she does not live in the apartment. On February 1, 2027, the judge awarded possession to Bronson. John is not indigent. He is up-to-date on his rent.

John wants to appeal. What does John need to do to appeal the case? What are his deadlines? What does your court need to do to prepare the case for county court?

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## Scenario 5

- A gentleman has been coming to the clerks' office for several months now 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've told him they know their rights, and they don't have to leave. There is no landlord-tenant relationship, nor do they pay any bills. City police officers say they can't charge them with criminal trespass because it's a civil matter. The gentleman wants to know if he can bring an eviction case and, if not, how does he get rid of these people?
- What should the clerk tell him?
- Are they squatters?
- Can he bring an eviction suit against them?
- What does he have to do first?



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## Scenario 6

Leonard files an eviction suit against June for nonpayment of rent. June appears for trial but loses and the court enters a judgment for possession against her. The next day she files a bankruptcy petition in federal bankruptcy court.

Is the case automatically stayed due to the bankruptcy filing?

What if the bankruptcy petition is filed after the appeal deadline has passed and a writ of possession has been requested? Is the case stayed or does the court issue the writ?

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## Scenario 7

A tenant, Tyler, is a college student. Family near campus allows a student to have room and board plus a little money 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 Tyler as a tenant. There is no unpaid rent, nor any other breach of agreement. Does the family have to give Tyler a 30-day notice to terminate their agreement in addition to a 3-day notice to vacate?

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## Scenario 8

- Brandon owns a house and rents it to Kristen. Brandon signed a mortgage when he bought the house but he has missed his mortgage payments. The bank forecloses on the house and sells it at a foreclosure sale to Sarah. Sarah wants to move in as soon as possible. Sarah gives Kristen a three-day notice to vacate.
- Is that notice to vacate valid?
- If not, how much time does Sarah have to give Kristen?

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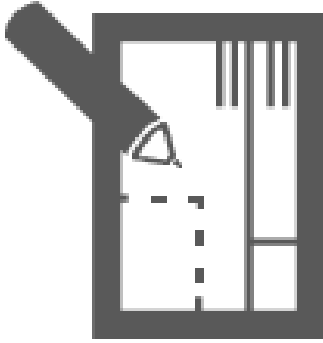
## Scenario 9



- An eviction is filed against Heather and Kevin, a married couple. Both signed the lease.
- Do both have to be named as defendants?
- How many filing fees must be paid?
- How many service fees?
- How many judgments?
- How many writs of possessions?

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## Scenario 10



- Can alternative service be approved in an eviction case even if the constable advises the house is vacant?
- What if the constable receives information that the defendant has passed away?

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## Scenario 11



- A landlord, Leslie, files an eviction petition and does not state any grounds for eviction. Can Leslie orally amend her pleadings at the time of the trial?
- Can she add the name of a new occupant? What about a different tenant?

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## Scenario 12

- Landon filed an eviction lawsuit in May, alleging that Tommy failed to pay rent in April and May. The “notice to vacate” was given on April 5.
- Are there any red flags the court should be aware of?