

HOW DOES THE EVICTION PROCESS WORKS?

The Role of the Constable's Office

At times, property owners take steps to protect their investments by removing tenants who either have failed to make timely monthly payments or have violated a provision of their lease agreement. The lack of agreement between the property owner and the tenant leads to the EVICTION process.

The information contained within this pamphlet applies generally to all Constable's Offices in Texas. There may be some minor differences in the procedures established by the courts having jurisdiction or the Constable's Office processing the legal document.

In the eviction process, the first step is to provide a notice of some form to the tenants to VACATE the property within a certain number of days. The reason for the eviction should be included in the notice such as for past due payments or violating an agreement. The property owner can provide this notice by delivering such notice directly to the tenant by mailing the notice or employing another to deliver the notice.

You must be able to provide proof to the courts that this first step was done.

If the tenant fails to respond or fails to resolve the eviction issue prior to the notice period, the property owner must file a request with the court who has jurisdiction for a formal legal action. This is generally in the form of a "Forcible Detainer".

Once the property owner files for a forcible detainer in a court, the civil papers are sent to the Constable's Office. Within the forcible detainer, the court provides specific instructions about who should be served, the scheduled court date, and what actions the defendant (tenant) should take to contest the pending legal actions. The Constable Office will make several attempts to serve the defendant or someone over the age of 16 years in person. If they are not able to do so, the Constable Officer will contact the courts to obtain permission to post the legal document to the property.

Once the tenants have received the forcible detainer and the tenant wish to contest the pending case in court, they must attend the scheduled court. Failure to do so may result in the court ruling against them. Some courts have established other remedies to satisfy the pending court

actions. You should consult with the courts about the remedies available to you.

Prior to the court taking actions or the court ruling in favor of the property owner, the tenant can resolve the pending matter to avoid EVICTION. If the courts rule to remove all occupants from the property a writ of possession may be issued. Once issued by the courts, the writ of possession is forwarded to the Constable's Office for processing.

Once the Constable's Office receives a writ of possession, it is processed into the department by the administrative section. This file is forwarded to the supervisor responsible for WRIT OF POSSESSIONS. As a courtesy, a deputy maybe assigned to post a final notice to vacate the property.

Once the writ has been issued, there are no legal requirements to provide a notice to the tenants about the pending writ of possession. A notice may or may not be given a specific date and time instructing the tenant to vacate the property or be move-out. The property is placed on the Constable's Office MOVE-OUT LIST for scheduling. Priority is given to property sold at a Constable Sale or writ of possession with an expiration date.

The property is scheduled for move-out and the property owner is notified of the scheduled date and time. The length of the time it will take to move-out the tenant varies for several reasons. The normal time period is 10-14 days after being process into the Constable's Office. Not 10-14 days after you file for the writ with court. Some move-outs have taken 30 days to complete the move-out of a tenant. Property is scheduled in accordance with the date and time they were received by the Constable's Office.

At the move-out, the tenant's personal property is removed from the premises. At the tenants' expense, the personal property may be stored at a BONDED warehouse or left on the public sidewalk at the direction of the Deputy Constable. THE TENANT HAS NOW BEEN EVICTED.

It is recommended that property owners familiarize themselves with the laws in the State of Texas as they relate to Landlords and Tenants Rights. Tenants who believe their landlords are unfairly treating them should consult with an attorney for legal advice. For more information about evictions as they relate

to the Constable's Office, please call 281-403-8010.



HOW DOES THE EVICTION PROCESS WORK?

The Role of the Constable's Office



CONSTABLE DARYL L. SMITH SR.

Fort Bend County, Constable, Pct. 2
303 Texas Parkway
Missouri City, Texas 77459

Office No. (281) 403-8010

Fax No. (281) 403-8025

