

Eviction – Judgment/Dismissal Order NonJury

In the Justice Court  
Precinct 4, Place 1

Harris County  
State of Texas

Case Number: 194100167735

Michael Perez  
Plaintiff  
vs.  
Juan Diaz  
Defendant

Represented by:

Represented by:

Leased Premises: 1406 Ella Circle Houston, TX 77090

Plaintiff(s)  Present  Not Present at Trial  
Defendant(s)  Present  Not Present at Trial

On 5/14/2019 the court heard the above-numbered and styled cause.

**DEFAULT JUDGMENT FOR PLAINTIFF**

The Plaintiff, being present, announced ready for trial. The Defendant, although having been duly cited and served with process, said citation with the officer's return thereon having been on file with the clerk of this court, failed to appear or answer in its behalf, and wholly made default. It is therefore decreed that judgment is entered for the Plaintiff for possession of the above described premises, and further, that the Plaintiff have judgment against the Defendant(s) for \$ \_\_\_\_\_ as rent owed, plus \$ \_\_\_\_\_ as attorney fees, all costs of court, together with post-judgment interest at a rate of 5.5% per annum from the date of judgment until paid, for which let execution issue. No writ of possession will issue before **MAY 21, 2019**. The Defendant(s) appeal bond is set at: \$ \_\_\_\_\_.

**JUDGMENT FOR PLAINTIFF**

The Plaintiff and Defendant, being present, announced ready for trial. The court, having heard the evidence, determined judgment is for the Plaintiff for possession of the above described premises. It is therefore decreed that judgment is entered for the Plaintiff for possession of the above described premises, and further, that the Plaintiff have judgment against the Defendant(s) for \$ \_\_\_\_\_ as rent owed, plus \$ \_\_\_\_\_ as attorney fees, all costs of court, together with post-judgment interest at a rate of 5.5% per annum from the date of judgment until paid, for which let execution issue. No writ of possession will issue before **MAY 21, 2019**. The Defendant(s) appeal bond is set at: \$ \_\_\_\_\_.

**JUDGMENT FOR DEFENDANT**

The Plaintiff and Defendant, being present, announced ready for trial. The court, having heard the evidence, determined judgment is for the Defendant for possession of the above described premises. It is therefore decreed that the Plaintiff take nothing and that judgment is entered for the Defendant(s) for \$ \_\_\_\_\_ as attorney fees, all costs of court, together with post-judgment interest at a rate of 5.5% per annum from the date of judgment until paid, for which let execution issue. The Plaintiff's appeal bond is set at \$500.00.

The court **ORDERS** that this case is **DISMISSED**:

- due to lack of jurisdiction.
- as Plaintiff did not appear.
- on motion of the  Plaintiff  Defendant.
- by agreement of the parties and that each side bears their cost incurred.

The court denies all other relief not granted above.

Signed: 5/14/2019



*Lincoln Jordan*

Justice of the Peace Precinct 4, Place 1

**Payment of Rent during the Pendency of Any Appeal:**

- The amount of rent to be paid each rental pay period during the pendency of any appeal is \$ \_\_\_\_\_.
- A portion of the rent is payable by a government agency, and the amount of rent to be paid each rental pay period during the pendency of any appeal is: \$ \_\_\_\_\_ by Defendant and \$ \_\_\_\_\_ by government agency.

Juan Diaz  
1406 Ella Circle  
Houston, TX 77090

### NOTICE TO PARTIES INTENDING TO APPEAL

#### RIGHT TO REQUEST AN APPOINTMENT OF ATTORNEY

If you intend to appeal the Judgment of the Justice Court by filing a sworn statement of inability to pay, you have the right to request the appointment of an attorney to represent you in the proceedings in the County Civil Courts at Law. You may exercise this right after the sworn statement has been approved and the appeal perfected. You must make your request for the appointment of an attorney, in writing, to the County Civil Court at Law in which the appeal is filed.

An appointed attorney's representation is in the trial de novo in County Civil Court at Law. The County Civil Court at Law may terminate the representation for cause.

#### APPEAL BY PAUPER'S AFFIDAVIT OR SURETY BOND

You may appeal the judgment of the Justice Court by posting cash, posting a surety bond, or by filing a sworn statement of inability to pay no later than the 5th day after the date judgment is signed.

If you are the tenant and file a sworn statement of inability to pay or a surety bond to appeal an eviction for nonpayment of rent, you must pay the initial deposit of rent into the registry of the Justice Court within five (5) days of the date you file the sworn statement or surety bond. The rent must be paid by cashier's check or money order payable to the "Justice of the Peace."

**Your failure to pay the first deposit of rent into the Justice Court registry by the required date and time may result in the issuance of a writ of possession without a hearing.** Because the appeal has been perfected even though a writ of possession has issued, the transcript and original papers will be forwarded to the County Civil Court at Law for trial de novo.

#### RIGHT TO CONTEST PORTION OF RENT PAID BY GOVERNMENT AGENCY

If a government agency is responsible for all or a portion of the rent, either party may contest the determination of the portion of rent to be paid by the tenant. A contest must be filed with the Justice Court on or before the 5th day after the date the judgment in the eviction proceeding is signed. Not later than the 5th day after the contest is filed, the Justice Court will notify the parties and hold a hearing to determine the amount to be paid by the tenant under the terms of the rental agreement and applicable laws and regulations. If the tenant object to the Justice Court's ruling on the portion of rent to be paid, the tenant is required to pay only the portion that the tenant claims is owed until the issue is heard in the County Civil Court at Law. During the appeal, the tenant or the landlord may file a motion with the County Civil Court at Law to reconsider the amount of rent that the tenant must pay into the Registry of the Court.



**AGUOCHA LAW FIRM**

**\_\_\_\_\_ P.C. \_\_\_\_\_**  
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