

EVICTION COMPLAINT GUIDELINE

This information contained in this packet is not offered as legal advice. The information is merely a guideline. Should you feel you need legal advice please contact El Paso Bar Association at 532-7052 and/or Legal Aid 585-5100. El Paso Apartment Association may be reached at 598-0800. Need a certified interpreter, you may reach Mr. Avila at 276-8218 or the Counsel of Judges at 546-2143.

When filling out the Eviction Complaint it is necessary to carefully read and properly make a selection when applicable. You must fill out each section.

Section 1.

Complaint

Insert the address of the tenant/defendant from which their to be evicted from.

Section 2.

Service of Citation

Insert the address you wish the defendant to be served with the complaint.

Section 3.

Type of Occupancy by Defendant(s)

Once you make a selection, ensure that all boxes within same section are marked accordingly.

Section 4.

Military Service

YOUR CASE MAY BE DISMISSED

IF YOU FAIL TO ATTACH

THE SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)

You must obtain and attach to the complaint the Military Status Report.

You can obtain this information at www.epcounty.com Select "Departments" located at the top right corner of the tool bar. Scroll down and select "Justice of the Peace 2." Scroll down to "Forms and Helpful Links" and select Service Members Civil Relief Act (SCRA)(PDF). Enter as much information you have. If you do not have the social security number, enter zeros. (See example "A") and select "LookUp." Print your result (See example "B").

Section 5.

Additional Information if Manufactured Home Lot.

This section applies to mobile homes. If it applies, give the names and address of all lien holders on said mobile homes.

Section 6.

Notice to Vacate.

State the date the Notice to Vacate was delivered to tenant/defendant and select how you delivered same.

Section 7.

Defendant(s) Failed to Vacate.

You do not need to make any entry in this section.

Section 8.

Grounds for Eviction

Check all the boxes that apply to the situation in hand.

1st paragraph

If Eviction is for Non-Payment of Rent.

1st state the date rent was due. 2nd state the **TOTAL** rent amount due to the date you are filing the complaint, including but not limited to rent amounts due for previous months. 3rd Indicate how much rent is due and how often. 4th state the month and year in which the total rent due amounts started. 5th State the date the rent was due.

2nd paragraph

If Eviction is for non-payment of Utilities or other sums.

Other than rent state what was not paid and the amount, including but not limited to utilities and late fees.

3rd paragraph

If Eviction is for Holding Over Under Rental Agreement.

Check one box and state the date the contract agreement expired.

4th paragraph

If Eviction is for Holding Over After Foreclosure

This section is strictly for foreclosures.

5th paragraph

If Eviction is for Holding Over After Termination Executory Purchase Contract

This section is strictly for contract for deed.

6th paragraph

If Eviction is for Conduct in Violation of Rental Agreement.

In this section, state the violations from defendant(s) and other persons defendant is responsible for.

7th paragraph

If Eviction is for Property Damages

Briefly state what was damaged and value for each item

8th paragraph

If Eviction is for Trespass

If the defendant enters the premises without having authority from the landlord/owner, state briefly the circumstances.

9th paragraph
If Eviction is for other Grounds

Briefly state the facts not covered in paragraphs 1-8.

Section 9.
Judgment Requested.

State the total amount you wish the Court to consider granting in a judgment; limited to the total in paragraphs 1-9 of Section 8.

Section 10.
Attachments.

You **must bring to court a copy** of any and all documents that support\proves your statements\claims above including but not limited to the following: **KEEP YOUR ORIGINALS.**

1. A copy of the Notice to Vacate;
2. A copy of the written Rental Agreement;
3. A copy of the rental application of defendant(s), only if it relates to the grounds for eviction;
4. The rental receipt log;
5. A copy of the utility bills, if applicable; and
6. Any and all documents that will prove your claim.

Section 11.
Interpreter.

Make a selection whether or not you need an interpreter. Court is conducted in English only. If you require an interpreter, you may reach Mr. Avila at 276-8218 or the Counsel of Judges at 546-2143.

Lastly, fill out Plaintiff\landlord's information.

YOU MUST SIGN THE COMPLAINT IN THE PRESENCE OF A NOTARY PUBLIC.

Filing your Complaint with the Court

Once you have filled out and completed the first complaint form, you now need to complete another form for each person named at the top of the complaint form. The additional forms must be exactly the same as the first one. For example, if you name the landlord and two defendants's you will need to complete three complaint forms to appropriately file with the Court.

DMDC

Privacy Notice

Help



(SCRA) Servicemembers Civil Relief Act

SSN	000-00-0000	Repeat SSN	000-00-0000
Last	Doe	Last	Doe
Birth Yr	1968	Month	SEP
First	Jane	Birth Yr	1968
Middle		Month	SEP
<input type="button" value="LookUp"/> <input type="button" value="Erase"/>			
Upon clicking the "LookUp" button, based on the SSN and other personal information furnished, the Department will advise you that it does			
<ol style="list-style-type: none">1. Not possess information regarding whether the individual is on active duty, or2. Possess information indicating that the individual is on active duty.			

EXAMPLE "A"



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DOE	Jane		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: *BTJXNXBBEDE*

EXAMPLE "B"