

NO. _____

[Insert name of plaintiff],

Plaintiff,

VS.

[Insert names of defendant(s)],

Defendant[s].

§
§
§
§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NUMBER _____

_____ COUNTY, TEXAS

CONTEST OF DEFENDANT’S DECLARATION UNDER CDC ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff and files this its contest of the Declaration of Defendant (the “Declaration”) made under the September 4, 2020, Centers for Disease Control and Prevention’s Temporary Halt in Evictions to Prevent Further Spread of COVID-19, as amended and extended, (the “CDC Order”) and would respectfully show the Court as follows:

CONTEST OF DECLARATION

1. Pursuant to the authority in the CDC Order and applicable Texas Supreme Court Emergency Order Regarding the COVID-19 State of Disaster (the “Orders”), Plaintiff contests the Defendant’s Declaration under the CDC Order.

REQUEST FOR HEARING

2. Plaintiff requests that the Court promptly set and hold a hearing under the applicable Texas Supreme Court Emergency Order to determine whether this action should proceed, the reasons for the determination and the procedures if this action proceeds.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court set Plaintiff’s contest of Defendant’s Declaration at the earliest available date and time, and at the hearing, determine the veracity of the statements in the Declaration, whether this action should proceed, the reasons for the determination and the procedures if this action proceeds. Plaintiff prays for such other and further relief to which it may show itself justly entitled.

DATED: _____, _____.

Signature of Owner or Agent

Address

Phone Number and Email

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this contest was hand delivered, mailed to Defendant or emailed (if both parties have agreed in writing and provided an email address) on this _____ day of _____, _____.

Signature of Owner or Agent