

Question

The father was removed from his home without following the legal eviction process. Texas law requires landlords to follow specific procedures, including providing notice and obtaining a court order, before evicting a tenant. If the father was removed without following these procedures, it constitutes an unlawful eviction under Texas law.

Answer (Texas)

Short response

If the father was removed from his home in Texas without the landlord providing proper notice and obtaining a court order as required by law, this constitutes an unlawful eviction. Texas statutes and case law strictly mandate adherence to specific eviction procedures, and failure to comply renders the eviction illegal.

Summary

Texas law provides a detailed statutory framework for evicting tenants, requiring landlords to give written notice and to obtain a court order (writ of possession) before removing a tenant from a property. Both the Texas Property Code and Texas appellate courts emphasize that these procedures must be strictly followed, and any eviction carried out without compliance—such as removing a tenant without notice or judicial process—is considered unlawful.

If a landlord bypasses these requirements, the tenant has legal remedies, including the right to reenter the premises and the ability to pursue claims for wrongful eviction. The law applies broadly to all residential tenancies in Texas, and courts have consistently held that strict compliance with statutory eviction procedures is mandatory. Thus, the removal of the father without following these steps would be an unlawful eviction under Texas law.

Background and Relevant Law

Legislative and Regulatory Framework

The Texas Property Code sets out the exclusive procedures for evicting tenants. The key statutory provisions are as follows:

Notice to Vacate: Under Texas law, a landlord must provide a tenant with at least three days' written notice to vacate before filing an eviction (forcible detainer) suit, unless the lease specifies a different period ([Tex. Prop. Code § 24.005](#) (2025)). This requirement applies to tenants under written or oral agreements, tenants at will, and tenants by sufferance.

Forcible Detainer Action: If a tenant refuses to surrender possession after proper notice, the landlord must file a forcible detainer action in court. The demand for possession must be in writing and comply with the notice requirements ([Tex. Prop. Code § 24.002](#) (2025)).

Judicial Process and Writ of Possession: A landlord may not physically remove a tenant or prevent access to the premises except through judicial process. Only after prevailing in court may the landlord obtain a writ of possession, which authorizes law enforcement to remove the tenant ([Tex. Prop. Code § 24.0061](#) (2025); [Tex. Prop. Code § 92.0081](#) (2025)).

Right of Reentry: If a landlord unlawfully locks out a tenant, the tenant may seek a writ of reentry from the justice court, allowing immediate and temporary possession pending a final hearing ([Tex. Prop. Code § 92.009](#) (2025)).

Special Provisions for Manufactured Home Lots: For manufactured home lots, eviction or exclusion of a tenant is only permitted after obtaining a writ of possession under Chapter 24 ([Tex. Prop. Code § 94.203](#) (2025)).

Administrative Regulations: For certain types of developments (e.g., HTC, TCAP, Exchange, NHTF), leases must specify that evictions require good cause and written notice, and lockouts or seizure of property are prohibited except by judicial process ([10 Tex. Admin. Code § 10.613](#) (2025)).

Supplementary Notice Requirements: For month-to-month tenancies, the landlord must provide notice of termination before ending the tenancy ([Tex. Prop. Code § 91.001](#) (2025)).

Case Law

Texas appellate courts have consistently interpreted these statutes to require strict compliance:

Strict Compliance Required: Courts have repeatedly held that because forcible detainer (eviction) is a statutory cause of action, landlords must strictly comply with all statutory requirements, including written notice and judicial process ([Brown v. Elysium Grand Apartments](#) (Tex. App. Dec. 8, 2023); [Samarripa v. Related Mgmt.](#) (Tex. App. Aug. 17, 2023); [Mercadel v. Empire Vill. Apartments](#) (Tex. App. Jan. 10, 2023); [Perry v. Wichita Falls Hous. Auth.](#) (Tex. App. 2022); [Kennedy v. Andover Place Apartments](#) (Tex. App. 2006)).

Elements of Forcible Detainer: To prevail in an eviction action, the landlord must prove a superior right to possession, that the tenant is holding over after termination, that proper notice to vacate was given, and that the tenant refused to leave ([Samarripa v. Related Mgmt.](#) (Tex. App. Aug. 17, 2023); [Goodwin v. Goodwin](#) (Tex. App. Feb. 16, 2023)).

Judicial Process is Mandatory: Landlords may not exclude tenants or prevent access to the premises except by judicial process ([Coleman v. DWR Somerset 18 LP](#) (Tex. App. Nov. 5, 2024)).

Remedies for Unlawful Eviction: If a landlord evicts a tenant without following the legal process, the tenant may seek reentry and may also pursue a wrongful eviction claim, even if a judgment for possession has been entered (*Garcia v. Galvan* (Tex. App. May 8, 2012); [*Johnson v. Highland Hills Drive Apartments*](#) (Tex. Ct. App. 1977), but see discussion of subsequent negative treatment below).

Notice Requirements: Courts have clarified that both notice to terminate the tenancy and notice to vacate are required before filing an eviction suit ([*Moore v. Subia*](#) (Tex. App. May 16, 2018)).

Jurisdiction and Process: Justice courts have exclusive jurisdiction over eviction cases, and there must be strict compliance with service of process and other procedural requirements (Landlord-Tenant Relations (2022); Civil Litigation (2022)).

Secondary Support: Secondary materials reinforce that eviction is a legal process requiring notice and a court order, and that landlords cannot forcibly remove tenants without following these steps (Landlord/Tenant Rights (2006)).

Analysis

Statutory Requirements for Lawful Eviction

Texas law is unequivocal: a landlord must provide written notice to vacate and obtain a court order before evicting a tenant. The process is as follows:

Notice to Vacate: The landlord must give the tenant at least three days' written notice to vacate, unless the lease specifies otherwise ([Tex. Prop. Code § 24.005](#) (2025)). This notice must be delivered in person or by mail at the premises ([*Goodwin v. Goodwin*](#) (Tex. App. Feb. 16, 2023)).

Filing Suit: If the tenant does not vacate, the landlord must file a forcible detainer action in the appropriate justice court ([Tex. Prop. Code § 24.002](#) (2025); Landlord-Tenant Relations (2022)).

Judgment and Writ of Possession: Only after prevailing in court may the landlord obtain a writ of possession, which authorizes law enforcement to remove the tenant. The writ cannot be issued until at least six days after judgment, and the tenant must be given at least 24 hours' warning before execution ([Tex. Prop. Code § 24.0061](#) (2025)).

No Self-Help Eviction: Landlords are expressly prohibited from locking out or otherwise excluding tenants except by judicial process, with limited exceptions for emergencies or abandonment ([Tex. Prop. Code § 92.0081](#) (2025); [*Coleman v. DWR Somerset 18 LP*](#) (Tex. App. Nov. 5, 2024)).

Remedies for Tenants: If a landlord unlawfully locks out a tenant, the tenant may seek a writ of reentry and may also pursue damages for wrongful eviction ([Tex. Prop. Code § 92.009](#) (2025); *Garcia v. Galvan* (Tex. App. May 8, 2012)).

Judicial Interpretation and Strict Compliance

Texas courts have consistently held that eviction is a statutory cause of action, and landlords must strictly comply with all statutory requirements. Failure to provide proper notice or to obtain a court order before removing a tenant renders the eviction unlawful ([*Brown v. Elysium Grand Apartments*](#) (Tex. App. Dec. 8, 2023); [*Samarripa v. Related Mgmt.*](#) (Tex. App. Aug. 17, 2023); [*Perry v. Wichita Falls Hous. Auth.*](#) (Tex. App. 2022); *Fashakin v. Fed. Home Loan Mortg. Corp.* (Tex. App. Apr. 2, 2013); [*Kennedy v. Andover Place Apartments*](#) (Tex. App. 2006)).

The courts have also clarified that the right to immediate possession, as determined in a forcible detainer action, does not preclude a tenant from later challenging the eviction as wrongful if the statutory procedures were not followed (*Garcia v. Galvan* (Tex. App. May 8, 2012); [*Johnson v. Highland Hills Drive Apartments*](#) (Tex. Ct. App. 1977), but see below).

Application to the Scenario

If the father was removed from his home without the landlord providing the required written notice to vacate and without the landlord obtaining a court order (writ of possession), the landlord has violated the Texas Property Code. Such an action is not only procedurally defective but is also substantively unlawful. The tenant (the father) would be entitled to seek reentry and may have a claim for damages resulting from the unlawful eviction.

This conclusion is supported by both statutory law and a long line of appellate decisions. The courts have repeatedly emphasized that landlords must strictly comply with the statutory eviction process, and any deviation—such as self-help eviction or exclusion without judicial process—is unlawful.

Exceptions and Caveats

There are limited exceptions where a landlord may exclude a tenant without judicial process, such as for bona fide repairs, emergencies, or if the tenant has abandoned the premises ([Tex. Prop. Code § 92.0081](#) (2025)). However, these exceptions are narrowly construed, and in the absence of such circumstances, the statutory procedures must be followed.

For manufactured home lots, the law is even more explicit: eviction or exclusion is only permitted after obtaining a writ of possession ([Tex. Prop. Code § 94.203](#) (2025)).

It is also important to note that while a judgment for possession in a forcible detainer action determines the right to immediate possession, it does not bar a subsequent wrongful eviction claim if the landlord failed to comply with statutory requirements (*Garcia v. Galvan* (Tex. App. May 8, 2012); [*Johnson v. Highland Hills Drive Apartments*](#) (Tex. Ct. App. 1977)). However, the authority of [*Johnson v. Highland Hills Drive Apartments*](#) has been stated as overruled by *AAA Free Move Ministorage, LLC v. Ois Invs., Inc.* (Tex. App. 2013). While this limits the precedential value of Johnson, the principle that a wrongful eviction claim may still be available is supported by more recent authorities such as *Garcia v. Galvan*.

Conclusion

Texas law is clear and consistent: landlords must strictly follow statutory procedures when evicting tenants, including providing written notice and obtaining a court order. Any removal of a tenant without these steps is unlawful. The courts have repeatedly enforced these requirements, and tenants who are unlawfully evicted have remedies under both statute and case law. In the scenario described, the father's removal without adherence to these procedures constitutes an unlawful eviction under Texas law.

Legal Authorities

[Corpus Christi Housing Authority v. Lara, 267 S.W.3d 222 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

The housing authority contends that Texas has only one judicial eviction procedure, and, therefore, its generic notice was sufficient. We disagree.

Summary

The court disagreed with the housing authority's contention that a generic notice was sufficient for eviction under Texas law. This suggests that Texas law requires specific procedures to be followed for eviction, which aligns with the proposition that landlords must provide proper notice and obtain a court order before evicting a tenant.

[Kennedy v. Andover Place Apartments, 203 S.W.3d 495 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

Under Texas Property Code section 24.002, a tenant commits a forcible detainer by refusing to surrender possession of real property after the landlord has lawfully terminated the tenant's right to possession. See TEX. PROP. CODE ANN. § 24.002(a) (Vernon 2000). Section 24.002 also provides that a landlord must make a written demand for possession and comply with section 24.005's requirements for a notice to vacate. Id. § 24.002(b). Because forcible detainer is a statutory cause of action, a landlord must strictly comply with its requirements.

Summary

Requirements under Texas Property Code section 24.002 for a lawful eviction process, including the necessity for a landlord to make a written demand for possession and comply with notice requirements. This supports the proposition that if these procedures were not followed, the eviction would be unlawful.

[Johnson v. Highland Hills Drive Apartments, 552 S.W.2d 493 \(Tex. Ct. App. 1977\)](#)

Texas Court of Appeals

Extract

The proceedings under a forcible entry, or forcible detainer, shall not bar an action for trespass, damages, waste, rent or mesne profits. (emphasis added)... Our holding, here, is consistent with the theory that a forcible detainer action is for the primary purpose of resolving who is entitled to immediate possession of the premises... Thus, a judgment of possession is not intended to be a final determination of whether the eviction is wrongful or not; rather, it is a final determination only with respect to the right of immediate possession...

Summary

A forcible detainer action is primarily concerned with determining the right to immediate possession of a property and does not preclude other legal actions related to wrongful eviction. This implies that even if a judgment of possession is granted, it does not necessarily mean the eviction was lawful, and other legal remedies may still be pursued if the eviction process was not properly followed.

[Garcia v. Galvan, NO. 14-11-00338-CV, NO. 14-11-00350-CV \(Tex. App. May 08, 2012\)](#)

Texas Court of Appeals

Extract

Judgment of possession in a forcible detainer action is not intended to be a final determination of whether the eviction is wrongful; rather, it is a determination of the right to immediate possession." ... "Therefore, the County Court judgment does not bar Garcia's wrongful eviction claim.

Summary

A judgment in a forcible detainer action, which determines the right to immediate possession, does not preclude a tenant from pursuing a wrongful eviction claim. This implies that even if a landlord obtains a judgment for possession, the tenant can still challenge the eviction as wrongful if proper legal procedures were not followed. This supports the proposition that if the father was removed without following the legal eviction process, it constitutes an unlawful eviction under Texas law.

[Brown v. Elysium Grand Apartments](#)

Texas Court of Appeals

Extract

Because forcible detainer is a statutory cause of action, a landlord must strictly comply with [the statutory] requirements." Id. (quoting Kennedy v. Andover Place Apartments, 203 S.W.3d 495, 497 (Tex. App.-Houston [14th Dist.] 2006, no pet.)). "The forcible detainer statute requires the landlord provide 'at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement.' § 24.005(a).

Summary

Texas law requires landlords to strictly comply with statutory requirements for eviction, including providing a written notice to vacate before filing a forcible detainer suit. This supports the proposition that if the father was removed without following these procedures, it would constitute an unlawful eviction under Texas law.

[Goodwin v. Goodwin, 01-21-00286-CV \(Tex. App. Feb 16, 2023\)](#)

Texas Court of Appeals

Extract

The Texas Property Code describes 'forcible detainer' as the refusal to surrender real property on demand. TEX. PROP. CODE § 24.002(a). A demand for possession of property 'must be made in writing' and 'must comply with the requirements for a notice to vacate under Section 24.005.' TEX. PROP. CODE § 24.002(b). The notice-to-vacate requirements under Section 24.005 require a landlord to give a tenant 'at least three days' written notice to vacate' before the landlord files a forcible-detainer suit. TEX. PROP. CODE § 24.005(a), (b). The landlord must give the notice 'in person or by mail at the premises in question.' TEX. PROP. CODE § 24.005(f).

Summary

Legal requirements for a forcible detainer, which is the legal process for eviction in Texas. It specifies that a landlord must provide a written demand for possession and comply with notice-to-vacate requirements, including giving at least three days' written notice before filing a suit. This supports the proposition that if these procedures were not followed, the eviction would be unlawful.

[Moore v. Subia, No. 04-16-00786-CV \(Tex. App. May 16, 2018\)](#)

Texas Court of Appeals

Extract

Before bringing a forcible detainer action against a tenant who holds over, a plaintiff must comply with two notice requirements—a notice to terminate the tenancy at will and a notice to vacate. Id. at § 24.005(a) (West Supp. 2017); § 91.001 (West 2014). 'A landlord who files a forcible detainer suit on grounds that the tenant is holding over beyond the end of the rental term or renewal period must... comply with the tenancy termination requirements of Section 91.001.' Id. at § 24.005(a). Section 91.001 provides a landlord or tenant may terminate a month-to-month tenancy by giving notice of termination to the other. Id. at § 91.001(a).

Summary

Legal requirements for evicting a tenant in Texas, specifically the need for a landlord to provide notice to terminate the tenancy and a notice to vacate before filing a forcible detainer suit. This supports the proposition that if the father was removed without these procedures, it would be an unlawful eviction under Texas law.

[Mercadel v. Empire Vill. Apartments, 14-22-00079-CV](#)

Texas Court of Appeals

Extract

A landlord must make a written demand for possession and comply with section 24.005's requirements for a notice to vacate. Tex. Prop. Code § 24.002(b); Kennedy, 203 S.W.3d at 497. 'Because forcible detainer is a statutory cause of action, a landlord must strictly comply with its requirements.' Kennedy, 203 S.W.3d at 497 (citing Perkins v. Grp. Life & Health Ins. Co., 49 S.W.3d 503, 506 (Tex. App.- Austin... 'Under this plain language, when the lease requires an opportunity to respond to a proposed eviction and section 24.005 thus applies, the landlord must provide a separate, later notice to vacate.' Kennedy, 203 S.W.3d at 498 (citing Tex. Prop. Code § 24.005(e); Santos v. City of Eagle Pass, 727 S.W.2d 126, 129

Summary

Legal requirements for eviction under Texas law, specifically the need for a written demand for possession and compliance with notice requirements as per Texas Property Code § 24.005. It emphasizes that forcible detainer is a statutory cause of action requiring strict compliance with these legal procedures. This supports the proposition that if the father was removed without following these procedures, it would constitute an unlawful eviction.

[Coleman v. DWR Somerset 18 LP, 14-23-00513-CV \(Tex. App. Nov 05, 2024\)](#)

Texas Court of Appeals

Extract

Under the Texas Property Code, '[a] landlord may not intentionally prevent a tenant from entering the leased premises except by judicial process.' See Tex. Prop. Code Ann. § 92.0081(b).

Summary

The passage directly references the Texas Property Code, which stipulates that a landlord cannot prevent a tenant from entering the leased premises without judicial process. This aligns with the proposition that Texas law requires specific legal procedures, including obtaining a court order, before evicting a tenant. The passage supports the idea that if these procedures are not followed, the eviction is unlawful.

[Fashakin v. Fed. Home Loan Mortg. Corp., NO. 14-11-01079-CV \(Tex. App. Apr 02, 2013\)](#)

Texas Court of Appeals

Extract

*Because forcible detainer is a statutory cause of action, a landlord must strictly comply with its requirements. Proper notice is an element of a forcible detainer action. See Tex. Prop. Code Ann. §§ 24.002, 24.005; Murphy v. Countrywide Home Loans, Inc., 199 S.W.3d 441, 446-447 (Tex. App.—Houston [1st Dist.] 2006, pet. denied); Stephens v. Williams, No. 02-11-00376-CV, 2012 WL 3115826, at *1 (Tex. App.—Fort Worth Aug. 2, 2012, no pet.) (mem. op.).*

Summary

The passage emphasizes that forcible detainer, which is the legal process for eviction in Texas, is a statutory cause of action. This means that landlords must strictly adhere to the statutory requirements, including providing proper notice to the tenant. The passage cites specific sections of the Texas Property Code and relevant case law, reinforcing the necessity of following these legal procedures. If the father was removed without these procedures being followed, it would indeed constitute an unlawful eviction under Texas law.

[Samarripa v. Related Mgmt.](#)

Texas Court of Appeals

Extract

To prevail in a forcible detainer action, the plaintiff has the burden to prove (1) a superior right to possession of the property; (2) the occupant, relevant here, is a tenant holding over after termination of the tenant's right to possession; (3) the plaintiff gave the occupant proper notice to vacate, and (4) the occupant refused.[] See Tex. Prop. Code § 24.002; Shields Ltd. P'ship v. Bradberry, 526 S.W.3d 471, 478 (Tex. 2017). 'Because forcible detainer is a statutory cause of action, a landlord must strictly comply with its requirements.' Kennedy v. Andover Place Apartments, 203 S.W.3d 495, 497 (Tex. App.-Houston [14th Dist.] 2006, no pet.).

Summary

Requirements for a forcible detainer action under Texas law, emphasizing the necessity for landlords to strictly comply with statutory requirements, including providing proper notice to vacate. This supports the proposition that if the father was removed without following these procedures, it would constitute an unlawful eviction.

[Briones v. Brazos Bend Villa Apartments, 438 S.W.3d 808 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

A person who refuses to surrender possession of real property on demand commits a forcible detainer if the person ... is a tenant or a subtenant wilfully and without force holding over after the termination of the tenant's right of possession." Tex. Prop. Code Ann. § 24.002(a)(1) (West 2000). "The demand for possession must be made in writing by a person entitled to possession of the property and must comply with the requirements for a notice to vacate under [Property Code] Section 24.005." *Id.* § 24.002(b) (West 2000). Section 24.005 provides, in pertinent part: (a) If the occupant is a tenant under a written lease ..., the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement.

Summary

Statutory requirements for eviction, emphasizing the necessity of written notice and compliance with specific procedures, which supports the claim of unlawful eviction if these were not adhered to.

[Geters v. Baytown Hous. Auth., 430 S.W.3d 578 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

Under Property Code section 24.002, a tenant commits a forcible detainer by refusing to surrender possession of real property after the landlord has lawfully terminated the tenant's right to possession. Tex. Prop. Code § 24.002(a); Kennedy, 203 S.W.3d at 497. That section requires a landlord to make a written demand for possession and comply with section 24.005's requirements regarding a notice to vacate before pursuing a forcible detainer action. Tex. Prop. Code § 24.002(b); Kennedy, 203 S.W.3d at 497. Because forcible detainer is a statutory cause of action, a landlord must strictly comply with its requirements.

Summary

Statutory requirements for a lawful eviction in Texas, emphasizing that a landlord must provide a written demand for possession and comply with notice requirements before pursuing a forcible detainer action. This supports the proposition that if these procedures were not followed, the eviction would be unlawful.

[Perry v. Wichita Falls Hous. Auth., 646 S.W.3d 908 \(Tex. App. 2022\)](#)

Texas Court of Appeals

Extract

Because forcible detainer is a statutory cause of action under the Texas Property Code, a landlord must strictly comply with its requirements. ... Section 24.002 requires a landlord to make a written demand for possession and to comply with Section 24.005's notice-to-vacate requirements. ... Proper notice is an element of a forcible-detainer action. ... When, as here, the occupant is a tenant under a written lease, the landlord must give a defaulting tenant at least three days' written notice to vacate before filing a forcible-detainer suit, unless the parties have contracted in writing for a larger or smaller notice period.

Summary

Texas law requires landlords to strictly comply with statutory requirements for eviction, including providing proper notice to the tenant. The passage specifically mentions the necessity of a written demand for possession and compliance with notice-to-vacate requirements, which are essential elements of a lawful eviction process.

[10 Tex. Admin. Code § 10.613 10 Tex. Admin. Code § 10.613 Lease Requirements](#)

Extract

HTC, TCAP, and Exchange Developments must specifically state in the lease or in an addendum attached to the lease that evictions or terminations of tenancy for other than good cause are prohibited. To terminate tenancy, the Owner must serve written notice to the tenant specifying the grounds for the action. For nonpayment of rent, HTC, TCAP, Exchange, and NHTF Developments require a thirty day written notice... Owners of HTC, TCAP, and Exchange Developments are prohibited from locking out or threatening to lock out any Development resident, except by judicial process... Owners are further prohibited from seizing or threatening to seize the personal property of a resident except by judicial process unless the resident has abandoned the premises.

Summary

The passage outlines specific requirements for evictions, including the necessity of providing written notice and prohibiting lockouts or seizure of property without judicial process. This supports the proposition that evictions must follow legal procedures, and failure to do so constitutes an unlawful eviction.

[Tex. Prop. Code § 24.0061 Tex. Prop. Code § 24.0061 Writ of Possession](#)

Extract

A landlord who prevails in an eviction suit is entitled to a judgment for possession of the premises and a writ of possession... A writ of possession may not be issued before the sixth day after the date on which the judgment for possession is rendered unless a possession bond has been filed and approved under the Texas Rules of Civil Procedure and judgment for possession is thereafter granted by default... The writ of possession shall order the officer executing the writ to post a written warning... notifying the tenant that the writ has been issued and that the writ will be executed on or after a specific date and time stated in the warning not sooner than 24 hours after the warning is posted...

Summary

Legal process required for a landlord to evict a tenant in Texas, including obtaining a judgment for possession and a writ of possession. It specifies that a writ of possession cannot be issued immediately and requires a written warning to be posted for the tenant. This indicates that any eviction not following these procedures would be unlawful.

[Tex. Prop. Code § 92.009 Tex. Prop. Code § 92.009 Residential Tenant's Right of Reentry After Unlawful Lockout](#)

Extract

If a landlord has locked a tenant out of leased premises in violation of Section PROPERTY CODE 92.0081, the tenant may recover possession of the premises as provided by this section. ... If the tenant has complied with Subsection (b) and if the justice reasonably believes an unlawful lockout has likely occurred, the justice may issue, ex parte, a writ of reentry that entitles the tenant to immediate and temporary possession of the premises, pending a final hearing on the tenant's sworn complaint for reentry.

Summary

Texas law provides a specific remedy for tenants who have been unlawfully locked out of their premises. The tenant can file a sworn complaint for reentry, and if the justice believes an unlawful lockout has occurred, they may issue a writ of reentry. This supports the proposition that removing a tenant without following the legal eviction process, such as obtaining a court order, constitutes an unlawful eviction.

[Tex. Prop. Code § 94.203 Tex. Prop. Code § 94.203 Eviction Procedures Generally](#)

Extract

A landlord may prevent a tenant from entering the manufactured home lot, evict a tenant, or require the removal of a manufactured home from the manufactured home lot only after obtaining a writ of possession under Chapter 24.

Summary

Texas law explicitly requires landlords to obtain a writ of possession before evicting a tenant from a manufactured home lot. This legal requirement ensures that landlords follow due process, which includes obtaining a court order. If the father was removed without this writ, it would constitute an unlawful eviction under Texas law.

[Tex. Prop. Code § 24.002 Tex. Prop. Code § 24.002 Forcible Detainer](#)

Extract

A person who refuses to surrender possession of real property on demand commits a forcible detainer if the person: is a tenant or a subtenant wilfully and without force holding over after the termination of the tenant's right of possession; is a tenant at will or by sufferance, including an occupant at the time of foreclosure of a lien superior to the tenant's lease; or is a tenant of a person who acquired possession by forcible entry. The demand for possession must be made in writing by a person entitled to possession of the property and must comply with the requirements for notice to vacate under Section PROPERTY CODE 24.005.

Summary

Texas law requires a written demand for possession to be made by a person entitled to possession of the property. This demand must comply with the notice to vacate requirements under Section 24.005. If these procedures are not followed, the eviction may be considered unlawful. The passage directly supports the proposition that the father was removed without following the legal eviction process, as it outlines the necessary steps for a lawful eviction.

[Tex. Prop. Code § 24.005 Tex. Prop. Code § 24.005 Notice to Vacate Prior to Filing Eviction Suit](#)

Extract

If the occupant is a tenant under a written lease or oral rental agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit... If the occupant is a tenant at will

or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit... In all situations in which the entry by the occupant was a forcible entry under Section PROPERTY CODE 24.001, the person entitled to possession must give the occupant oral or written notice to vacate before the landlord files a forcible entry and detainer suit.

Summary

Texas law mandates specific procedures for eviction, including providing a written notice to vacate before filing a forcible detainer suit. This requirement applies to tenants under written or oral agreements, tenants at will, and situations involving forcible entry. The law ensures that tenants are given due process before being evicted, and failure to follow these procedures constitutes an unlawful eviction.

[Tex. Prop. Code § 24.001 Tex. Prop. Code § 24.001 Forcible Entry and Detainer](#)

Extract

A person commits a forcible entry and detainer if the person enters the real property of another without legal authority or by force and refuses to surrender possession on demand.

Summary

The passage defines a forcible entry and detainer as entering real property without legal authority or by force and refusing to surrender possession. This directly relates to the proposition that the father was removed without following the legal eviction process, as it implies that any removal without legal authority (such as a court order) is unlawful. The passage supports the idea that proper legal procedures must be followed to evict someone from their home, aligning with the requirements under Texas law.

[Tex. Prop. Code § 91.001 Tex. Prop. Code § 91.001 Notice For Terminating Certain Tenancies](#)

Extract

A monthly tenancy or a tenancy from month to month may be terminated by the tenant or the landlord giving notice of termination to the other.

Summary

For a monthly tenancy or a tenancy from month to month, termination requires the landlord to give notice to the tenant. This aligns with the legal requirement for landlords to follow specific procedures, including providing notice, before evicting a tenant. If the father was removed without such notice, it would be a violation of this provision, supporting the proposition of an unlawful eviction.

[Tex. Prop. Code § 92.0081 Tex. Prop. Code § 92.0081 Removal of Property and Exclusion of Residential Tenant](#)

Extract

A landlord may not intentionally prevent a tenant from entering the leased premises except by judicial process unless the exclusion results from: bona fide repairs, construction, or an emergency; removing the contents of premises abandoned by a tenant; or changing the door locks on the door to the tenant's individual unit of a tenant who is delinquent in paying at least part of the rent.

Summary

Texas law prohibits landlords from preventing tenants from entering their leased premises without judicial process, except under specific circumstances such as bona fide repairs or emergencies. This supports the proposition that a landlord must follow legal eviction procedures, including obtaining a court order, before evicting a tenant. If the father was removed without these procedures, it would be considered an unlawful eviction.

[Landlord/Tenant Rights](#)

Gale Encyclopedia of Everyday Law - GALE - Jeffrey Wilson - 2006-01-01

Extract

Eviction is a legal process by which a landlord may terminate a tenant's right to remain on the rental property. Ultimately, the tenant may be forcibly removed from the property by the sheriff or other law enforcement official; however, doing so requires a formal court order. A landlord cannot forcibly evict a tenant without proper notice. The landlord must provide written notice to the tenant of the default. If the tenant does not fix the default within a reasonable amount of time, the landlord must file for a formal court eviction proceeding... TEXAS: Texas law requires a three-day notice for eviction for breach of the lease unless the notice provides

Summary

Legal process required for eviction, emphasizing that a formal court order is necessary for a tenant to be forcibly removed. It specifies that landlords must provide proper notice and follow court procedures, which aligns with Texas law requiring a three-day notice for eviction due to lease breach. This supports the proposition that if the father was removed without these procedures, it constitutes an unlawful eviction.

Landlord-Tenant Relations

Texas Small-Firm Practice Tools. Volume 1-2 - James Publishing - Cindy Stormer - 2022-05-05

Extract

Eviction suits include forcible entry and detainer and forcible detainer suits... Justice courts in the precinct in which the real property is located have exclusive jurisdiction of forcible entry and detainer (eviction) cases. [Tex. Gov. Code §27.031(a)(2); Tex. Prop. Code §24.004.]... There must be strict compliance with the Property Code regarding service of process. [Tex. Prop. Code §24.0051.]

Summary

Legal framework for eviction in Texas, emphasizing the requirement for eviction suits to be handled by justice courts and the necessity for strict compliance with the Property Code regarding service of process. This supports the proposition that a legal process must be followed for eviction, and any deviation from this process, such as removing a tenant without a court order, would be unlawful.

Civil Litigation

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Extract

Landlord/tenant matters require specific notice. [See Chapter 5, Landlord-Tenant Relations.] ... Exclusive jurisdiction of forcible entry and detainer (better known as eviction) cases. [Tex. Gov. Code §27.031(a)(2); Tex. Prop. Code §24.004];

Summary

Landlord/tenant matters require specific notice, which aligns with the legal requirement for landlords to provide notice before evicting a tenant. Additionally, it references the exclusive jurisdiction of forcible entry and detainer cases, which are the legal proceedings for eviction in Texas. This supports the proposition that eviction must follow legal procedures, including notice and court involvement.

This memo was compiled by Vincent AI based on vLex materials available as of May 02, 2025. [View full answer on vLex](#)