



TARRANT COUNTY

MEMORANDUM

TO: All Parties Appearing in Eviction Proceedings
FROM: Justice Kenneth Sanders, Tarrant County Precinct 7
DATE: May 28, 2026
RE: Proper Delivery and Calculation of the Notice to Vacate
AUTHORITY: Texas Property Code § 24.005

I. PURPOSE

This memorandum provides guidance on the proper delivery and calculation of the Notice to Vacate in accordance with recent updates to Texas Property Code § 24.005. All landlords, tenants, and their representatives appearing before this court should be familiar with these requirements. Failure to comply may result in dismissal of an eviction case.

II. THE LEGISLATIVE UPDATE — TEXAS PROPERTY CODE § 24.005

The Legislature has amended Texas Property Code § 24.005 with an important procedural update that affects when a landlord may file an eviction case. Specifically:

- A landlord cannot file an eviction case until the **full notice period has expired**.
- If the last day of the notice period falls on a **Saturday, Sunday, or legal holiday**, the deadline automatically rolls to the next business day.

This update aligns eviction notices with the "next business day" rule already applied in Texas civil procedure, ensuring uniformity and fairness in the process.

III. HOW TO CALCULATE THE NOTICE-TO-VACATE PERIOD

The following rules govern calculation of the notice period:

- **Day 1 begins the day after the notice is delivered** — not the day it is given.
- **Count all calendar days**, including weekends and holidays, unless the final day falls on a weekend or holiday.
- If the final day lands on a weekend or legal holiday, **the notice period automatically extends to the next business day**.

- The landlord **cannot file the eviction petition** until that extended deadline has passed.

This calculation prevents landlords from filing prematurely when a notice period ends on a non-business day.

IV. ILLUSTRATIVE EXAMPLE

The following example demonstrates proper notice calculation under the updated statute:

Scenario: A landlord issues a 3-day Notice to Vacate on a Thursday.

- Friday = Day 1
- Saturday = Day 2
- Sunday = Day 3 — BUT Sunday is a weekend day

Result: The notice does not expire on Sunday. It automatically rolls to Monday — the next business day. The landlord cannot file the eviction petition until Tuesday at the earliest.

Filing before Tuesday in this example would be premature and subject to dismissal.

V. PRACTICAL GUIDANCE FOR LANDLORDS

Before filing an eviction petition with this court, landlords should confirm the following:

- Verify the exact date and method by which the notice was delivered.
- Begin counting the notice period the day after delivery.
- Identify the last day of the notice period and confirm it does not fall on a Saturday, Sunday, or legal holiday.
- If the deadline falls on a non-business day, advance the filing eligibility date to the next business day.
- Do not file until that next business day has passed.

VI. CONSEQUENCES OF PREMATURE FILING

A case filed before the notice period has fully expired is procedurally defective. This court reserves the right to dismiss any eviction petition where it is shown that the landlord filed before the applicable deadline under Texas Property Code § 24.005 had passed. Landlords are encouraged to review their notice timelines carefully before filing.

Judge Kenneth D. Sanders

Justice of the Peace, Tarrant County Precinct 7