

SMALL CLAIMS COURT

INSTRUCTIONS AND INFORMATION REGARDING FILING SUIT
(PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION)

1. The amount of money for which you may sue in Small Claims is limited to damages that do not exceed \$10,000.00.
2. In all civil suits, the defendant has the right to be sued in county and precinct in which he resides. You must have a physical address (not just a post office box) for the Defendant in order for him to be served.
3. In order for any potential judgment you may receive to be valid, it is necessary that you sue the defendant in his/their legal capacity as listed below:

Personally: An individual is responsible to you for damage he may have caused you as an individual. (e.g. John Doe)

Proprietor or partnership: A business that is not incorporated, but does have on file with the County Clerk an assumed name. (e.g. John Doe dba Greenhouse Supplies)

Corporation: The business which has allegedly caused you damage is necessary to know the individual's name who is able to accept service on behalf of the corporation. You may obtain the name of the authorized agent for service from the Secretary of State at 1-800-252-5555. (e.g. Greenhouse, Inc. Serve: John Doe)

It is also possible for an incorporated entity to have an assumed name. (e.g. Greenhouse, Inc. dba Greenhouse Supplies. Serve: John Doe)

4. If as a plaintiff, you are in the business of loaning money either primarily (banks, credit unions, . Saving & loans), or secondarily (credit cards), you are not allowed to file in Small Claims Court: however, an attorney representing any of the above in Debt Claim/Justice Court.

Also, an action in Small Claims Court may not be brought by an assigned of the claim or other person seeking to bring an action on an assigned claim or a collection agency.

5. Once you have filed a suit, this Court will give you a

receipt showing your cause (case) number and the office phone number so that you may call in periodically to determine the progress of your case. It is important that you refer to your cause number when calling or transacting business with the Court.

6. When you have completed the petition stating the facts and circumstances of your suit, a citation along with a copy of your petition will be served to the defendant notifying him that a suit has been filed against him in this Court.

The citation will order the defendant to appear in this Court or to file a written answer to the suit on or before the Monday following the tenth day after his receipt of the citation. If he fails to do so, you then become eligible for a default judgment up until the time an answer is filed.

7. If the defendant answers the suit, a trial date will be set. The plaintiff and the defendant will be sent notice by mail of the court date. We discourage motions for continuance; however, if it becomes necessary, any requests must be in writing and timely filed.
8. If you have witness to your suit who will not come to Court voluntarily, you may ask this Court to subpoena those individuals prior to trial. This request should be made as soon as possible allowing at least a week for service of subpoena.
9. This type of suit does not require hiring an attorney; however you are free to do so if you wish.
10. This Court does not collect the judgment for you, nor can we force the defendant to pay the judgment. If you receive a judgment for your claim against the defendant, you may request an Abstract of Judgment and/or a Writ of Execution to help You in your collection of this judgment.

An Abstract puts a lien on any real property the defendant may own in the county where the abstract is filed. Abstracts may be filed in more than one county. This can be obtained ten (10) days after the judgment is signed.

A Writ of Execution may be obtained thirty (30) days after the judgment is signed. This document authorizes the Constable or Sheriff to seize any assets belonging to the defendant that are subject to this writ.

11. As a plaintiff you have the burden of proof to show by the weight of the evidence that the defendant is the proximate cause of your damages in the capacity which the defendant was sued. All damages and evidence necessary to meet your burden should be available at the time of filing.
12. If you have any other procedural questions, please ask our Civil Department, and we will try to answer them. ANY LEGAL QUESTIONS MAY NOT BE ANSWERED BY THIS COURT.
13. It is imperative that you provide us with your day time phone number and notify us immediately of any changes in your number of any charges in your number or address.

FEE SCHEDULE FOR SMALL CLAIMS

<u>DOCUMENT</u>	<u>FILING FEE</u>	<u>SERVICE FEE*</u>	<u>TOTAL</u>
File Suit	\$41.00 per claim	\$75.00 per defendant	\$116.00*
Abstract of Judgment	\$ 5.00 per abstract		\$ 5.00**
Writ of Execution		\$200.00 per writ	\$200.00
Subpoena		\$75.00 per person	\$ 75.00

* This fee applies for persons to be served in Burleson County. Service fees for other Counties and/or States may vary slightly.

**This also requires a filing fee of \$5.00 to be paid to the County Clerk.

ALL FEES APPLICABLE MUST BE PAID BEFORE THE DOCUMENT CAN BE PROCESSED.
Cash, money order, debit/credit card, cashier's check or local checks acceptable. Out-of-town payments must be made by cashier's check, credit/debit card or money order.

JUSTICE COURT PCT. #2
BURLESON COUNTY
POST OFFICE BOX 250
SNOOK, TEXAS 77878
(979) 272-3656

STATEMENT OF CLAIM IN JUSTICE COURT
PRECINCT #2, BURLESON COUNTY TEXAS
NO. _____

PLAINTIFF: _____ PHONE: _____
ATTORNEY: _____ PHONE: _____
ADDRESS: _____ ZIP: _____

VS.

DEFENDANT: _____ PHONE: _____
RESIDENCE ADDRESS: _____ PHONE: _____
DEFENDANT'S WORK ADDRESS IF KNOWN: _____

TOTAL AMOUNT OF MONEY SUIT IS FOR: \$ _____
COURT COST IN THE AMOUNT OF: \$ _____

STATE THE FACTS AND CIRCUMSTANCES OF YOUR SUIT. (USE ADDITIONAL PAPER IF NEEDED)

Please understand that as a plaintiff, you have the burden of proof, to show by the weight of the evidence that the defendant you are suing is the proximate cause of the damages in the capacity which defendant was sued. All damages and evidence necessary to meet your burden should all be available at the time filing.

BY: _____
PLAINTIFF _____ ATTORNEY _____

Said Plaintiff being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said affiant, true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME to certify which, witness my official hand and seal of office.

This _____ day of _____ 20____.

Notary Public/Court Clerk

Justice of the Peace

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) _____

In the Justice Court, Precinct _____, _____ County, Texas

PLAINTIFF _____

VS.

DEFENDANT(S): _____

Defendant(s) contact info: _____

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

RELIEF: Plaintiff seeks damages in the amount of \$ _____, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____.

Additionally, plaintiff seeks the following: _____

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

Address of Plaintiff's Attorney, if any, or Plaintiff if none

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

City State Zip

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s):</p> <p>_____</p> <p>_____</p> <p>Defendant(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>

3. Indicate case type, or identify the most important issue in the case (select only 1):

<p><input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>