

Small Claims & Debt Claims Information Sheet

TWO SEPARATE PAYMENTS ARE REQUIRED TO FILE:

\$46.00 Filing Fee- Made payable to Hood County JP2

\$90.00 (Per Defendant) Service Fee- Made Payable to: Hood County Constable

Ask Clerk for Service Outside Hood County

1. The amount of money for which you may sue for is \$20,000.00. Small Claims cases involve money only. Suits for money and/or property may be filed in Justice Court.
2. In all civil suits, the defendant has the right to be sued in the county or precinct in which he/she resides. **You must have a physical address for the defendant in order for him/her to be served.**
3. In order for any potential judgment to be valid, it is necessary that you sue the defendant in his/her/their legal capacity as listed below:
 - **Personally-** An individual is responsible to you for damages he/she may have caused you as an individual. (e.g. John Doe; re: John Doe purchased a vehicle from you, and failed to make payments. You want either payment for that vehicle or the vehicle itself on a small claims suit)
 - **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:** A business which has allegedly caused you damage is incorporated. You must know the individual's name that 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, owner)
4. If you are a corporation or in the business of loaning money, either primarily (banks, credit unions, saving & loans), or secondary (credit cards), an attorney must represent you in this court and would be filed as a Debt Collection case. If you are not included in one of the above categories, an attorney is permitted but not required.
5. You may have the defendant served at:
 - His/her Home address
 - His/her Work address – only if a home address is unattainable

Once you have filed suit, the court will give you a copy of your petition showing your cause (Case) number and the office telephone 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 file a written answer to the suit on or before the 14th day from the date defendant was served. If the defendant fails to comply, you then become eligible for a default judgment. If you request a default judgment, a default hearing date will be set and a default hearing notice will be mailed to you and the defendant.
7. If the defendant answers to the suit, a trial date will be set out at least 45 days from receiving the defendant's answer. A non-jury trial will be set unless one of the party's request a jury-trial and the \$22.00 jury fee is paid. You, as the plaintiff and the defendant will be sent notice by mail of the trial date. We discourage motions for continuance; however, if it becomes necessary, any requests for a continuance must be in writing and filed within 48 hours prior to court date.
8. If you have witnesses to your suit who will not appear in court voluntarily, you may ask the court to subpoena those individuals prior to trial. This request should be made as soon as possible allowing at least a week for the service of the subpoena. You can ask the clerk about the subpoena service fee.
9. **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 the judgment.
 - **Abstract of Judgment:** may be obtained after ten (10) days from the date the judgment is signed. This puts a lien on any real property (land or home only) that the defendant may own. An abstract may be filed in each county in which the defendant owns property. You must request this in writing, pay the fee and bring to our office to obtain the abstract.
 - **Writ of Execution:** may be obtained after thirty (30) days from the date the judgment is signed. This document authorizes the constable or sheriff to seize assets belonging to the defendant that are subject to this writ. Those assets are then sold and the proceeds are applied to the judgment. You must request this in writing and pay the required fees.
10. As 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. Make sure you bring copies of evidence for the court to keep.
11. If you, as the plaintiff, are dissatisfied with the judgment rendered, either of you may post the required appeal bond, or appeal your case to County Court no later than twenty-one (21) days from the date the judgment was issued. If the twenty-first day falls on a weekend, you will be given until the following Monday to file your appeal. Once the twenty-first day period has passed, there is no further recourse to appeal to a higher court.

12. If you have any other procedural questions, please ask the clerk, and they will try to answer them. **This court may not answer legal questions or give you any legal advice.**
13. It is imperative that you provide a good phone number and notify us immediately of any changes in that number or your address.

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.

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p>	
<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 \$20,000, 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 \$20,000, 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 \$20,000, 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§ IN THE JUSTICE COURT
§
§
§ PRECINCT NO. _____
§
§
§ _____ COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

Defendant(s) address: _____

COMPLAINT: The basis for the claim which entitles Plaintiff to seek relief against Defendant is: _____

RELIEF: Plaintiff seeks: damages in the amount of \$_____, 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 Defendant(s) by: personal service at home or work, registered mail, certified mail, return receipt requested. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are: _____

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____

Plaintiff's Printed Name

Signature of Plaintiff
or Plaintiff's Attorney

Defendant's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

Address of Plaintiff
or Plaintiff's Attorney

City State Zip

Phone & Fax No. of Plaintiff
or Plaintiff's Attorney

CASE NO. _____

**AFFIDAVIT
SERVICEMEMBERS CIVIL RELIEF ACT SEC.201 (b)**

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS THAT
DEFENDANT (S)

- IS NOT IN THE MILITARY
- NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
- NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE
- IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICE
MEMBERS RELIEF ACT OF 2003
- DEFENDANT HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS
RELIEF ACT OF 2003
- MILITARY STATUS IS UNKNOWN AT THIS TIME

PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF
_____, 20____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
CLERK OF THE JUSTICE COURT (STRIKE ONE)

PENALTY FOR MAKING OR USING FALSE AFFIDAVIT- A PERSON WHO MAKES OR USES AND
AFFIDAVIT KNOWING TO BE FALSE, SHALL BE FINED AS PROVIDED IN TITLE 18 UNITED
STATES CODE, OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH.

JUSTICE OF THE PEACE
JUDGE MARTIN CASTILLO
1200 W. PEARL ST.
GRANBURY, TEXAS 76048
817-579-3290

OUT OF COUNTY SERVICE REQUIRED INFORMATION

1. CONSTABLE OR SHERIFF'S OFFICE NAME:

2. CONSTABLE OR SHERIFF'S OFFICE ADDRESS:

3. CONSTABLE OR SHERIFF'S SERVICE FEE AMOUNT:

4. WHO TO MAKE CHECK/MONEY ORDER PAYABLE TO: (YOU WILL PUT THIS ON YOUR CHECK OR MONEY ORDER THAT YOU GIVE OUR OFFICE)

5. CONSTABLE OR SHERIFF'S OFFICE PHONE #:

6. SERVICE ADDRESS FOR DEFENDANT:

PLEASE KNOW THAT WITHOUT THIS INFORMATION, THE DEFENDANT
MAY NOT BE ABLE TO BE SERVED AND WITHOUT SERVICE, THE CASE
WOULD BE SET FOR DISMISSAL.