

SMALL CLAIMS INFORMATION SHEET

*****PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION*****

SMALL CLAIMS \$154.00 (ASK CLERK FOR OUT OF COUNTY FEES)

1. The amount of money for which you may sue in Justice Court is limited to \$20,000. In all civil suits, the defendant has the right to be sued in the county or 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.
2. In order for any potential judgment you may receive 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 damage he may have caused you as an individual. (Ex: John Doe.)
 - **Proprietor or Partnership** – A business that is not incorporated, but does have on file with County Clerk an assumed name. (e.g. John Doe dba Greenhouse Supplies)
 - **Corporation** – The business which allegedly caused you damage is incorporated, and therefore it is necessary to know the individual's name who is authorized 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 1-800-252-1386. (Ex: Greenhouse Inc. dba Greenhouse Supplies. Serve: John Doe)
3. 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, unless the Monday falls on a holiday. If he fails to do so, you then become eligible for a default judgment up until the time an answer is filed.
4. 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 request for a continuance must be in writing and timely filed. (At least 5 working days prior to trial date or as soon as the need for continuance is known.)
5. If you have witnesses 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. There is a fee for the service of subpoena. (\$75.00)
6. A Small Claims suit does not require hiring an attorney; however, you are free to do so if you wish.
7. **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** (\$5.00 per Judgment) and/or a **Writ of Execution** (\$200.00) to help you in your collection of this judgment. There are other post judgment remedies available, but these are the two most common. An **Abstract** puts a cloud on the title to 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 to seize any non-exempt assets belonging to the defendant. Those assets are then sold, and the proceeds are applied to the judgment.

8. As a plaintiff, you have the burden of proof to show by the weight of the evidence that the defendant is the 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 trial.
9. If you have any other procedural question, please call and we will try to assist you, although **THIS COURT MAY NOT ANSWER ANY LEGAL QUESTIONS.**
10. It is imperative that you provide us with your daytime phone number and notify us immediately of any changes in your number or address.

Justice of the Peace, Pct. 5
109 North Oak
Mineral Wells, TX 76067
(940) 659-1272

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 pleadings 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 style="text-align: center;">[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 \$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 \$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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

Small Claims Petition

Case No. _____

Plaintiff

Vs.

Defendant(s)

§
§
§
§
§
§

In the Small Claims Court of
Palo Pinto County, Texas
Precinct 5, Place 1

Plaintiff:
Address: _____
City: _____ State: _____ Zip: _____

Defendant:
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Date of Birth: _____
Driver's License: _____ Last 4 of SS#: _____

Complaint: The basis for the claim which entitles the plaintiff to seek relief against the defendant
(you may attach additional pages if necessary)

Relief: Plaintiff seeks damages in the amount of \$ _____,

Signature of Plaintiff

SUBSCRIBED and SWORN TO BEFORE ME on _____

Court Clerk or Notary Public

Case Number _____

Plaintiff Vs. _____
Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

<https://scra.dmdc.osd.mil/>

Before me the undersigned notary or clerk of the Justice Court on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury (fine and/or up to one year in jail), stated the following:

My name is _____ I am (check one)

- Plaintiff in the above cause
- Authorized agent for the plaintiff in the above cause

I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

CHECK OR FILL IN AS APPLICABLE

- The defendant is not in the military
- Defendant is on active duty in the U.S. Military
- Defendant has been deployed by the U.S. Military to a foreign country.
- Plaintiff / Agent for Plaintiff are not able to determine whether defendant is with the U.S. Military.
- Plaintiff / Agent for Plaintiff are not able to determine whether defendant who is in the U.S. Military has been deployed to a foreign country
- Defendant has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U.S. Service-Members Civil Relief Act of 2003.

Signature of Plaintiff / Agent for Plaintiff

Sworn and subscribed before me by _____ on the _____ day of _____, 20____.

Court Clerk or Notary Public