

INSTRUCTIONS AND INFORMATION FOR FILING A SMALL CLAIMS OR DEBT CLAIM

PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION

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YOU ARE REQUIRE TO SEND A LETTER CERTIFIED MAIL TO THE DEFENDANT GIVING HIM/HER AT LEAST 10 DAYS TO TAKE CARE OF THE MATTER PRIOR TO FILING.

PLEASE UNDERSTAND, FILING SMALL CLAIMS OR DEBT CLAIMS, DOES **NOT** GUARANTEE A JUDGMENT. IF YOU SHOULD RECEIVE A JUDGMENT, THE JUSTICE OF THE PEACE **CANNOT** FORCE THE PERSON YOU HAVE THE JUDGMENT AGAINST TO SATISFY THE JUDGMENT.

1. THE AMOUNT OF MONEY WHICH MAY BE SUED FOR IN A SMALL CLAIMS/DEBT CLAIMS COURT IS LIMITED TO DAMAGES THAT DO NOT EXCEED \$10,000.00. **THIS OFFICE CANNOT GIVE LEGAL ADVICE**

TYPE OF CASE AUTHORIZED

JUSTICE COURT

- A. CIVIL MATTERS WITHIN JURISDICTIONAL AMOUNT
- B. ACTIONS FOR RECOVERY OF MONEY
- C. BY ASSIGNEE OF CLAIM
- D. PERSONNEL PRIMARILY ENGAGED IN BUSINESS OF LOANING MONEY
- E. COLLECTION AGENCY OR AGENT

FILING FEE

JUSTICE COURT
\$46.00 FILING
\$80.00 SERVICE FEE

\$126.00 TOTAL

WRIT FEE
\$ 25.00 FILING FEE
\$110.00 SERVICE FEE

\$135.00 TOTAL

IMPORTANT

PETITIONS MUST HAVE A PHYSICAL ADDRESS FOR SERVICE.
(POST OFFICE BOX IS NOT ACCEPTED)

IF YOU NEED ANY FURTHER INFORMATION YOU CAN GO TO THE HOUSTON COUNTY WEBSITE AND CLICK ON THE JUSTICE OF THE PEACE LINK.

PETITION: SMALL CLAIMS CASE

CASE NO. (Court use only) _____

In the Justice Court, Precinct _____, Houston 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):

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

DATE OF BIRTH: _____

*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 _____
 (o.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:
Name:	Telephone:	Plaintiff(s): _____ _____ Defendant(s): _____ _____ [Attach additional page as necessary to list all parties]
Address:	Fax:	
City/State/Zip:	State Bar No:	
Email:		
Signature:		
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<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.		<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.
<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.		<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.

THIS FORM MUST BE COMPLETE AND RETURNED IN ORDER TO FILE YOUR CASE

CASE NO. _____

**AFFIDAVIT
SEC. 201(b)**

Plaintiff being duly sworn on 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 Servicemembers Civil Relief Act of 2003.

_____ defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.

_____ military status is unknown at this time.

PLAINTIFF

Subscribed and sworn to before me on this the ____ day of _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
CLERK OF THE JUSTICE COURT

PENALTY FOR MAKING OR USING FALSE AFFIDAVIT--A PERSON WHO MAKES OR USES AN 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.