

JUSTICE OF THE PEACE, PRECINCT 2

111 W. COLLINS

LEONARD, TEXAS 75418

903-587-2846

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 amount of debt or damages for which you may sue in small claims court **may not exceed \$20,000**, excluding statutory interest and court costs but including attorney fees, if any. You can sue for court costs, but do not include the court cost to the amount you are suing for, but you do need to indicate that you want to be reimbursed for the costs of court. A plaintiff can only sue for attorney fees if there is an attorney of record representing the plaintiff.

Small claims cases are governed by rules 500-507 of part v of the rules of civil procedure. A suit shall be brought in the county and precinct in which one or more defendants reside.

It is the plaintiff's duty to provide the correct legal name and address of the person or business your claim is against. There are typically three proper names, they are as follows:

- **Personally:** where an individual is responsible to you for damages he may have caused you as an individual
- **Proprietor or Partnership:** a business that is not incorporated, but does have on file with the county clerk as assumed name e.g. John Tate DBA John Tate ind/dba mercantile supplies. To determine whether or not this person has filed an assumed name, you would contact the county clerk.
- **Corporation:** the business which has allegedly caused you damage is incorporated and then it is necessary to know the individual's name who is able to accept service on behalf of the corporation. We also need the individual's address (the authorized agent for service would be listed with the secretary of state whose phone number is (512-463-5555)).

You are strongly urged to discuss your case with an attorney if you are suing a proprietor, partnership, or corporation. You are responsible for suing the correct party in their correct capacity. Nothing within this section should be construed as legal advice. For help in understanding the justice courts and the Small Claims process, a self-help packet is attached titled Self-Help Information Packet for Filing a Small Claims Case.

To complete the filing process, a justice court civil information sheet, original small claims petition and a service members civil relief act sec. 201(b) will need to be completed, signed and filed with the court. Any filing fees and/or service fees will be paid at the time of filing. **If filing by mail, the service members civil relief act sec. 201(b) signature will need to be notarized.**

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: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Name: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Email: _____</p> <p>Signature: _____</p> </div> <div style="width: 45%;"> <p>Telephone: _____</p> <p>Fax: _____</p> <p>State Bar No: _____</p> </div> </div>	2. Names of parties in case: <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>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<input type="radio"/> 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="radio"/> 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="radio"/> 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 checked="" type="radio"/> 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.

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT TWO
	§	
_____	§	
DEFENDANT	§	FANNIN COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

I. DEFENDANT(S) ADDRESS:

II. COMPLAINT: Plaintiff files this suit against Defendant based upon the following facts:

III. 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:

IV. SERVICE OF CITATION: Service is requested on Defendant(s) by:

☐ Personal service at home or work,

☐ Registered mail, or

☐ 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: _____

- V. **ONGOING INTEREST:** Plaintiff ☐ does or ☐ does not seek ongoing interest. If so:
The effective interest rate claimed is _____%; this interest rate is based upon
☐ contract ☐ statute and began accruing on _____; the dollar amount of
interest claimed as of _____ is \$_____.

VI. **JURY REQUEST**

☐ I request a jury trial. (*The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Rule 502.3.*)

☐ I do not request a jury at this time.

- VII. **SERVICE BY EMAIL** (*Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.*)

☐ Yes, I would like to receive documents related to this case by email at this email address: _____.

☐ No, I do not want to receive any documents by email.

VIII. **REMOTE PARTICIPATION**

Hearing by Phone Call: (*When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.*)

☐ Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.

☐ No, I am not able to have hearings by phone call.

Hearing by Video Conference: (*When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence*

presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)

☐ Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,

Signature of Plaintiff

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

Signature of Attorney, if any

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

State Bar No.: _____

DOCKET NO. _____ DEFENDANT'S NAME: _____

AFFIDAVIT

SERVICE MEMBERS CIVIL RELIEF ACT SEC. 201 (b)

***To VERIFY Military Status go to website: <http://www.dmdc.osd.mil/appj/scra/scraHome.do>**

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT
DEFENDANT: **(Please select ONE for DEFENDANT)**

____ IS IN THE MILITARY SERVICE AND ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

____ IS IN THE MILITARY SERVICE AND NOT ON ACTIVE DUTY IN A FOREIGN COUNTRY

OR

____ IS NOT IN THE MILITARY SERVICE

***(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).**

OR

____ HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003

OR

____ PLAINTIFF IS UNABLE TO DETERMINE WHETHER OR NOT DEFENDANT IS IN MILITARY SERVICE AT
THIS TIME

***(In addition to this affidavit you MUST provide proof of military status before a default judgment can be rendered).**

***I am not providing proof of military status from the governmental website because:**

SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF

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

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

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.

****CERTIFICATE OF LAST KNOWN ADDRESS****

In strict compliance with Rule 503.1(d), Texas Rules of Civil Procedure, it is hereby certified that the last known mailing address of Defendant is as follows:

****DEFENDANT'S ADDRESS CITY, STATE, AND ZIP CODE**

SIGNATURE OF PLAINTIFF/AGENT/ATTORNEY FOR PLAINTIFF