

Justice Court Dress Code

Dress Code - All requirements pertain to both adult and juvenile males and females unless otherwise noted. Failure to comply may result in the resetting of the case to a later date, or in the extreme, contempt of court:

- Shoes are required
- No sleeveless shirts
- No shorts
- No exposed midribs
- No clothing displaying offensive words or pictures (the Court retains the exclusive right to define "offensive" on an individual basis).
- No hats (exception: religion)
- Cleanliness

Officers of the court are held to the higher standards generally recognized in Texas Courts.

Filing Fees

Type of Case	Filing Fee	Service Fee*	Total
Justice Court / Small Claims	\$41.00	\$80.00	\$121.00
Eviction	\$41.00	\$85.00	\$126.00
*Jury Fee	\$22.00		

NOTE: Service Fees are for Eastland County only and apply for each defendant served.

Misc. Fees

Type of Document	Doc Fee	Service Fee	Total
Abstract of Judgment	\$5.00	-	\$5.00
Writ of Execution	\$8.00	\$150.00	\$158.00
Writ of Possession	\$8.00	\$150.00	\$158.00
Subpoena	\$9.00	\$80.00	\$89.00

Certified Mail / Restricted \$10 to \$15

Case Number (for clerk use only): _____

typed _____

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

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: _____ Phone #: _____ Fax #: _____ Address: _____ City/State/Zip _____ Attorney Bar # _____ E-mail: _____ Signature: _____</p>	<p>2. Names of parties in this case:</p> <p>Plaintiff(s): _____ _____ _____ Defendant(s): _____ _____ _____ _____ (Attach additional pages 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 \$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 of 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 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>

Small Claims/Debt Claims/Repair & Remedy

Venue - In all civil suits the Defendant generally has the right to be sued in the county and precinct in which he resides, however there are exceptions.

Legal Capacity of Defendant - You must sue the Defendant in their proper legal capacity. There are 3 general categories:

- Individual
- Proprietorship or Partnership -- for example "John Doe, d.b.a. Smith Plumbing"
- Corporation -- If the business that has injured you is incorporated, you must contact the State Comptroller's Office at (800) 252-1386 or Secretary of State at (512) 463-5555 and obtain the name and address for service of the Registered Agent. This is the person who has been authorized to receive information regarding lawsuits filed against the corporation. The filing should read something to the effect of "ABC Corporation, by serving John Doe, Registered Agent".

Citation - After you file the petition, with the Serviceman's Relief Act affidavit, the court will issue a citation to be served on the Defendant. You may choose to have the Constable serve the petition or have it served by a private process server. No person who is a party to or has an interest in the outcome of a suit may serve any process.

Answer - The citation states that the Defendant must file an answer on or before the Monday following the expiration of 10 days. If they fail to do so, you **MAY** be eligible for a default judgment. You must contact the court to request a default judgment and if necessary a hearing may be held.

Plaintiff's Burden - It is your burden as the Plaintiff to prove your case. Be sure to bring any documents or witnesses necessary to do so. You are not required to be represented by an attorney however you may not be represented by anyone who is not an attorney.

Court Rules and Procedures

Small Claims -- Rules of evidence, discovery and civil procedure DO apply. Small Claims Court is informal and the Judge has the duty to develop the facts of the case. This is generally beneficial to parties who do not have an attorney.

After the suit

If you win your Suit to Evict, a defendant has 5 business days to file an appeal before a Writ of Possession can issue. If a money judgment is also awarded, and is not immediately paid, you may pursue several areas of post-judgment enforcement, including but not limited to:

- Abstract of Judgment
- Writ of Execution
- Writ of Garnishment

Seek legal advice from a licensed attorney for help with these and other options.

PLAINTIFF _____

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 \$ _____.

NOTICE 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:

ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):
Account/Credit Card Name: _____ Account Number (may be masked): _____
Date of Issue/Origination: _____ Date of Charge-Off/Breach: _____ Amount Owed \$ _____ as of _____

ADDITIONAL INFORMATION (CASE BASED ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN):
Type/Amount of Original Loan: _____, \$ _____ Repayment Accelerated? _____ Date Final Payment Due: _____
Amount Due on Final Payment Date \$ _____ Amount Due \$ _____ as of _____

ONGOING INTEREST: Plaintiff does, or does not seek ongoing interest. If so, this interest is based on the following contractual/statutory reason: _____ and should be at _____%. \$ _____ of interest was accrued as of _____.

ASSIGNMENT OF CLAIM: Plaintiff was, or was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____, subsequent holders were _____ and the date the case was assigned/transferred to plaintiff was _____.

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: _____

Plaintiff'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

PLAINTIFF'S DRIVER LICENSE NUMBER: _____
PLAINTIFF'S SOCIAL SECURITY NUMBER: _____

City _____ State _____ Zip _____

DEFENDANT'S PHONE NUMBER: _____

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

Plaintiff _____

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: _____

Plaintiff'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 _____