

PETITION: DEBT CLAIM CASE

TO THE HONORABLE JUDGE BEN MASSAR, JUSTICE OF THE PEACE IN AND FOR PRECINCT TWO:

PLAINTIFF

Name _____

CAUSE NO. _____

FILE DATE: _____

VS

DEFENDANT

Name _____

Address _____

City, Zip _____

Phone # _____

STATE OF TEXAS

COUNTY OF ROCKWALL

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 \$_____

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:

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): Date/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 due 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 _____.

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☐ 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:

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Declaration

By my signature, I attest under penalty of perjury, that the information contained in this petition is true and correct.

Plaintiff's Printed Name

Agent or Attorney's Signature

Agent or Attorney Address

Plaintiff's Signature

Agent or Attorney Phone & Fax

Date

Court Email: JP2Court@rockwallcountytexas.com

Sworn to and subscribed before me this _____ day of _____, 20_____.

Clerk of The Justice Court Or Notary Public

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

50 USC Sec.520

Instructions: The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/applj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn on his oath deposes* and says that defendant(s) is (are)

CHECK ONE

- _____ not in the military
- _____ on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003
- _____ has waived his/her rights under the Servicemembers Civil Act of 2003
- _____ military status is unknown at this time

Declaration

By my signature, I attest under penalty of perjury*, that the information contained in this petition is true and correct.

Plaintiff's Printed Name

Agent or Attorney's Signature

Plaintiff's Signature

Date

Or:

Said Plaintiff (or his agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said affiant, true and correct.

Sworn to and subscribed before me this _____ day of _____, 20____.

Clerk of The Justice Court Or Notary Public

SEAL

***Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year, or both.**