

## GENERAL FILING INFORMATION

**FILING SUIT:** As the Plaintiff, it is your responsibility to complete the petition. The Clerk can assist you with procedural questions. The cost to file a civil suit in Justice Court is \$61.00. Service to each Defendant in Rockwall County is \$75.00. If you are serving a Defendant outside of Rockwall County, you must contact the appropriate Constable for his/her mailing address and service fee. Your petition and citation will be forwarded to the address you provide to the Clerk.

**VENUE:** Generally, a suit should be filed in the County and Precinct where one or more of the defendants reside. However, there are many exceptions to this rule. For further information, consult the Texas Rules of Civil Procedure.

**JURISDICTIONAL LIMIT:** A claim in Justice Court should not exceed the jurisdictional limit of \$20,000.00. Consult the Rules of Civil Procedure for further information.

**SERVICE OF CITATION:** The Clerk will draft the civil citation, attach it to the petition and forward it to either the Constable or Process Server for service on the Defendant(s).

**ANSWER:** Upon service, the Defendant is commanded to answer to the Court, in writing, fourteen (14) days from the date of service. Should the 14<sup>th</sup> day fall on a weekend or holiday, the Defendant's answer is due by the end of the next business day. A defendant must file an answer in Small Claims and Debt Claim cases. An answer is not required in Repair and Remedy cases; however, the Defendant may file an answer should he choose to do so.

**REPRESENTATION:** Litigants in Justice Court are not required to retain legal representation. However, should you choose to retain legal counsel, a letter of representation is required by the Court.

**DEFAULT JUDGMENTS:** A Default Judgment may be entered against the Defendant if he fails to answer or appear for trial.

**TRIAL BY JUDGE OR JURY:** All litigants or Attorneys are notified of trial dates via certified mail, return receipt requested, and registered mail. Notices are mailed 4-6 weeks prior to trial date. All litigants should bring evidence necessary to prove up the case. All motions for continuance must be in writing and received no later than 3 business days prior to trial.

**POST TRIAL:** If you are awarded a judgment, and the defendant does not file a motion for new trial within 5 days, post judgment; or appeal within twenty-one (21) days, post judgment, there are post judgment remedies a litigant may exercise.

**ABSTRACT OF JUDGMENT:** A plaintiff may purchase an abstract of judgment on the twenty-second (22nd) day, post judgment; the cost is \$7.00. The Clerk will draft the abstract of judgment and mail to the plaintiff. This document may be filed with the County Clerk in the county where the defendant may buy or sell real property. Consult the appropriate County for filing fee and procedures.

**WRIT OF EXECUTION:** If a defendant does not file an appeal within the mandated 21 days, post judgment, a plaintiff may seek remedy through a Writ of Execution any time after the 30<sup>th</sup> day from date of judgment. The citation fee is \$7.00, the service fee is \$200.00 in Rockwall County.

**SUIT ON CORPORATION or COMPANY:** For information regarding the Registered Agent, President or Vice-President of a Corporation or Company, consult The Secretary of State at 1-512-463-5555 [www.sos.state.tx.us](http://www.sos.state.tx.us) or the State Comptroller's office at 1-800-252-1381 [www.window.state.tx.us](http://www.window.state.tx.us).

**LEGAL ASSISTANCE:** This office does not provide legal counsel. Please consult the following agencies for guidance.

State Bar of Texas \* 800-204-2222 \* [www.texasbar.com](http://www.texasbar.com)  
Texas Young Lawyers Assoc. \* 512-427-1529 \* [www.tyla.com](http://www.tyla.com)  
Helping Hands-Rockwall \* 972-771-4357 \* 950 Williams St., Rockwall 75087  
Texas Law Help \* [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

**PETITION: SMALL CLAIMS CASE**

IN THE JUSTICE COURT  
PRECINCT 4  
ROCKWALL COUNTY

CASE NO. (court use only) \_\_\_\_\_

PLAINTIFF: \_\_\_\_\_

VS. \_\_\_\_\_

DEFENDANT(S): \_\_\_\_\_

Defendant(s) Address: \_\_\_\_\_

Defendant(s) Information (if known): Date of Birth \_\_\_\_\_

Last 3 Numbers of Driver's License \_\_\_\_\_

Last 3 Numbers of Soc. Sec. # \_\_\_\_\_

Defendant's Phone # \_\_\_\_\_

PERSON TO BE SERVED (if a company): \_\_\_\_\_

COMPLAINT: The basis for the claim which entitles Plaintiff to seek relief against 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 Defendant(s) by personal service at home or work, or by alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where the Defendant(s) may be served are:**  
\_\_\_\_\_

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows:  
\_\_\_\_\_

\_\_\_\_\_  
**Petitioner/Plaintiff's Printed Name**

\_\_\_\_\_  
**Signature of Petitioner/Plaintiff or Plaintiff's Attorney**

\_\_\_\_\_  
**Address of Petitioner/Plaintiff or Plaintiff's Attorney**

\_\_\_\_\_  
**City State Zip**

\_\_\_\_\_  
**Phone & Fax No. of Plaintiff or Plaintiff's Attorney**

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**Clerk of the Court or Notary**

Cause No. \_\_\_\_\_

**SERVICEMEMBERS CIVIL RELIEF ACT**

AFFIDAVIT  
50 USC Sec.520

The Department of Defense Strongly supports the enforcement of the Service Members Civil Relief Act (SCRA), formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940. The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains official information regarding eligibility status of military personnel. You are strongly encouraged to obtain verification of the person's active duty status by contacting Department of Defense at the following link: <https://scra.dmdc.osd.mil/>. Failure to obtain Military Service verification could result in provisions of the SCRA being invoked against you.

Before me, the undersigned Justice of the Peace/Court Clerk/Notary personally appeared the below-named affiant, who under oath stated the following:

My name is \_\_\_\_\_  
Plaintiff/Agent/Attorney

Being the plaintiff/agent/Attorney in the above case, I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct. Plaintiff being duly sworn on his oath deposes\* and says that defendant(s):

CHECK ONE:

- \_\_\_\_\_ Is (are) NOT on active duty in the U.S. Military
- \_\_\_\_\_ IS (ARE) on active duty in the U.S. Military and/or is subject to the Servicemembers Civil Relief Act of 2003
- \_\_\_\_\_ HAS (HAVE) been deployed by the U.S. Military to a foreign country
- \_\_\_\_\_ has (have) signed, while on active duty, a separate written waiver of his/her rights under the U.S. Service Members Civil Act (SCRA) of 2003

OR

- \_\_\_\_\_ Plaintiff or the undersigned (if the undersigned is acting as agent of plaintiff) is not able to determine whether any defendant is on active duty in the U.S. Military
- \_\_\_\_\_ Plaintiff or the undersigned (if the undersigned is acting as agent of plaintiff) is not able to determine whether any defendant, who is on active duty in the U.S. Military, has been deployed to a foreign country

PLAINTIFF \_\_\_\_\_

DATE \_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Justice of the Peace/Court Clerk/Notary

\*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.