

## GENERAL FILING INFORMATION

(PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION)

**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 **\$54.00**. Service to each Defendant in Rockwall County is **\$100.00**. If you are serving a Defendant outside 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, 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.**

**JURISDICTION** – 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 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/she 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 to be filed with the Court.

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

**TRIAL BY JUDGE OR JURY** – All litigants or Attorneys are notified of trial dates via certified mail, return receipt requested; or registered mail. Notices are mailed 4-6 weeks prior to trial date. All litigants should bring evidence necessary to prove up their case. All motions for continuance must be in writing and received no later than 3 business days prior to trial. Jury fee is **\$22.00** and must be paid within 14 days before trial.

**APPEAL** – The eviction appeal deadline is 5 days post judgment. All other case types, the deadline is 21 days post judgment.

**ABSTRACT OF JUDGMENT** – A plaintiff may purchase an abstract of judgment on the twenty-second (22) 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 fees 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 the date of judgment. The citation fess is **\$7.00**; service **\$200.00** in Rockwall County.

**SUIT ON A CORPORATION** – 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 | <a href="http://www.texasbar.com">www.texasbar.com</a>                         |
| - Young Lawyers Association | 512.427.1529 | <a href="http://www.tyla.org">www.tyla.org</a>                                 |
| - Helping Hands – Rockwall  | 972.771.4357 | <a href="http://www.rockwallhelpinghands.com">www.rockwallhelpinghands.com</a> |

PLAINTIFF

CAUSE NO. \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, Zip \_\_\_\_\_  
Phone # \_\_\_\_\_

VS

**IN THE JUSTICE COURT, PCT. 3**

DEFENDANT

**STATE OF TEXAS**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, Zip \_\_\_\_\_  
Phone # \_\_\_\_\_

**COUNTY OF ROCKWALL**

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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 \_\_\_\_\_.

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):**

DATE OF BIRTH: \_\_\_\_\_

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

Sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

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

SEAL

**AFFIDAVIT**  
**(SERVICE MEMBERS CIVIL RELIEF ACT)**

**PLEASE CHECK ONE**

\_\_\_\_\_ 1. PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS  
UNDER PENALTY OF PERJURY THAT DEFENDANT(S) IS NOT IN THE  
MILITARY, ON ACTIVE DUTY IN THE MILITARY AND/OR IS NOT IN A  
FOREIGN COUNTRY ON MILITARY SERVICE.

\_\_\_\_\_ 2. PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS  
UNDER PENALTY OR PERJURY THAT PLAINTIFF IS UNABLE TO  
DETERMINE WHETHER OR NOT THE DEFENDANT(S) IS/ARE IN THE  
MILITARY, ON ACTIVE DUTY IN THE MILITARY AND/OR IS IN A  
FOREIGN COUNTRY ON MILITARY SERVICE.

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
DATE

Sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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

SEAL

**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.**