

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 **\$61.00**. Service to each Defendant in Rockwall County is **\$75.00**. 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 \$10,000.00. 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 14th 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 30th 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 or the State Comptroller's office at 1.800.252.1381 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
- Young Lawyers Association 512.427.1529 www.tyla.org
- Helping Hands – Rockwall 972.771.4357 www.rockwallhelpinghands.com

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:

Name: _____ Telephone: _____
Address: _____ Fax: _____
City/State/Zip: _____ State Bar No: _____
Email: _____
Signature: _____

2. Names of parties in case:

Plaintiff(s): _____
Defendant(s): _____

[Attach additional page as necessary to list all parties]

3. Indicate case type, or identify the most important issue in the case (select only 1):

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.

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.

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.

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.

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

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.