



JUSTICE COURT CIVIL SUITS: CASE DISCRIPTIONS AND INFORMATION

Honorable Stacye W. Speck

Justice of the Peace

JUSTICE COURT PCT 3 OF TOM GREEN COUNTY TX, 3052 N. BRYANT BLVD, SAN ANGELO, TX 76903 (325)657-9922

<https://www.tomgreencountytx.gov/page/jp.JP3Homepage>

All Civil Suits in Justice Courts are Governed by the Rules of Civil Procedure for Justice Court Cases adopted by the Supreme Court of Texas. To review the Rules please visit our website listed at the top of this page.

The Judge and Court Personnel are prohibited from giving "Legal Advice" to anyone. Although an attorney is not required, you may choose to consult an attorney for legal advice. As a matter of law, the judge is prohibited from discussing any material of fact pertaining to the lawsuit with a litigant or defendant prior to trial or hearing.

The Rules for Justice Court classify 4 categories of civil cases:

SMALL CLAIMS CASE-

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 \$20,000., excluding statutory interest and court costs but including attorney fees, if any. Small claims cases are governed by Rules 500-507 or Part V of the Rules of Civil Procedure.

DEBT CLAIM CASE-

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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any. Debt Claim cases in justice court are governed by Rules 500-507 and 508 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 508 and the rest of Part V, Rule 508 applies.

REPAIR AND REMEDY CASE

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 \$20,000, excluding statutory interest and court costs but including attorney's fees, if any. Repair and remedy cases are governed by Rules 500-507 and 509 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 509 and the rest of Part V, Rule 509 applies.

EVICTON CASE-

An eviction case is a lawsuit brought to recover possession of real property under Chapter 24 of the Texas Property Code, often by a landlord against a tenant. A claim for rent may be joined with an eviction case in the amount of rent due and unpaid amount is no more than \$20,000, excluding statutory interest and court costs but including attorney's fees, if any. Eviction cases are governed by Rules 500-507 and 510 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 510 and the rest of Part V, Rule 510 applies.

Although it is not required by Law, it is requested that prior to filing a law suit you send a Demand Letter to the party you are contemplating suing, giving the party at least 10 days to notify them of the potential for civil action and give them an opportunity to satisfy the claim prior to the suit. It is recommended that this be sent certified mail return receipt requested.

It is your burden as a plaintiff, and it is important that you understand that for any potential judgment you may receive to be valid it is necessary for you to sue the defendant in their proper legal capacity. Consult with your attorney if you are unsure of the defendant's proper legal capacity. Should you file against the wrong entity, you may have to begin again and will have to pay for trial expenses caused by filing against the wrong party. For Corporations and to determine the Agent for Service for a Corporation you should contact Texas Secretary of State at 1-800-252-1386

After reviewing the rules, please fully complete the appropriate petition and the required forms.

What must be filed?

One Original Petition

Copy of Demand Letter and signed, return receipt of certified mail, if available.

One Military Affidavit Military Status Report, and Service information Sheet.

One Justice Court Information Sheet.

Always keep track of your case numbers so that you can refer to them when calling our office regarding your case. The case number will be on your receipt.

This court does not collect the money judgment for you, nor can we force an indigent defendant to pay the judgment. If you receive a judgment against the defendant this court can issue various instruments to assist you in collecting the judgment. You may request an Abstract of Judgment, Writ of Execution, Writ of Garnishment, and/or Turnover Order. It is highly recommended that you consult with an attorney for any of these processes as in some instances an attorney is required.

An Abstract of Judgment puts a lien on any real property the defendant may own in a particular county where the Abstract is recorded. The Abstract is only valid in the county or counties where it is recorded. This can be obtained ten days after the date the judgment is signed.

A Writ of Execution may be obtained thirty days after the judgment is signed. This document authorizes the Sheriff or Constable to seize any assets belonging to the defendant that are subject to this writ. Those assets are then auctioned at a public sale and the proceeds are applied to the judgment.

A turnover Order is available after the judgment is signed and its purpose is to provide a court ordered means of reaching property which cannot easily be reached through ordinary legal process, and which is not exempt from attachment, execution, etc. An attorney should be used because the courts clerical staff will not be able by law to assist you in drafting the documents that are necessary.

Please understand that as a plaintiff, you have the burden of proof to show by the preponderance of the evidence that the defendant you are suing is the proximate cause of your damage(s) in the legal capacity in which defendant is sued. All damages and evidence necessary to meet your burden should all be available at the time of filing and no later than the date of trial.

DISCOVERY: ANY AND ALL PRETRIAL/PRE-JUDGMENT DISCOVERY MUST BE APPROVED BY THE COURT. PLEASE REFER TO SECTION 500.8 OF THE NEW RULES.

RULE 501.1 States: The plaintiff is responsible for obtaining service on the defendant of the citation, a copy of the petition, and any documents filed with the petition.

Motions for continuance must be made in writing at least 3 working days in advance of the trial setting with a copy forwarded to the opposing party as required by rule 501.1. It must show good cause. Do not presume the motion for continuance will be granted merely because it is filed. The court will advise you of its ruling.

A subpoena may be requested if you need a witness(s) in your case. Section 22.001. Texas Civil Practice & Remedies Code state a witness is entitled to \$10 dollars for each day a witness attends court. This fee includes the entitlement for travel and the witness shall pay that witness's fee for one day, as provided by this section, at the time the subpoena is served on the witness. The witness fee must be taxed in the bill of costs as other costs.

Fee Schedule for Justice Court Suits: (Money Orders, Cashier Check or Credit/Debit Card accepted) No Personal Checks will be accepted.

	COURT FEES:	SERVICE FEES	TOTAL
FILING FEE-DEFENDANT IN TOM GREEN COUNTY	\$54.00	\$125.00	\$179.00
2 DEFENDANTS (SAME CASE)	\$54.00	\$250.00	\$304.00
DEFENDANT OUT OF COUTY	\$54.00	CALL FOR AMOUNT	
JURY FEE	\$22.00		

Request for Jury must be made, and fee paid no later than 14 days before the case is set for trial. If not timely made, the right to a jury trial is waived.

	COURT FEES:	SERVICE FEES	TOTAL:
ABSTRACT OF JUDGMENT	\$5.00		\$5.00
WRIT OF POSSESSION (Plus \$50.00 per hour per officer for each hour or part of an hour after first 2 hours)	\$5.00	\$225.00	\$230.00
Writ of Execution (plus straight 5% commission)	\$5.00	\$225.00	\$230.00
Subpoena Contact the court			
Writ of Garnishment	\$54.00 +\$5.00	\$225.00	\$284.00
Turnover Order	\$5.00	\$225.00	\$230.00
Appeal	\$54.00		\$54.00
Transcript of Judgment	\$10.00		\$10.00

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 3
	§	
_____	§	
DEFENDANT	§	TOM GREEN COUNTY, TEXAS

PETITION: REPAIR AND REMEDY CASE

COMPLAINT: Plaintiff files this petition against Defendant pursuant to Rule 509 and Texas Property Code § 92.0563, because there is a condition in Plaintiff's residential rental property that materially affects the health or safety of an ordinary tenant.

Information Regarding Residential Rental Property:

Street Address Unit No. (if any)

City County State Zip Code

Defendant's Contact Information (to the extent known):

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____) _____

SERVICE OF CITATION: Plaintiff requests service of the citation on the Defendant and, if required, alternative service pursuant to Rule 509.4.

The following are true (check the box next to each statement that is true):

- ☐ Plaintiff received in writing Defendant's name and business street address.
- ☐ Plaintiff received in writing the name and business street address of Defendant's management company.

CONTACT INFORMATION (if known): Plaintiff provides the following contact information to the best of their knowledge:

Management Company's Contact Information:

Name

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____) _____

On-Premises Manager's Contact Information:

Name

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____) _____

Rent Collector's Contact Information:

Name

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____) _____

PROPERTY CONDITION: The property condition materially affecting the physical health or safety of an ordinary tenant that Plaintiff seeks to have repaired or remedied is:

_____.

LEASE AND NOTICE: The following are true (check the box next to each statement that is true):

- ☐ The lease is oral. ☐ The lease is in writing.
- ☐ The lease requires the notice to repair and remedy a condition to be in writing.
- ☐ Plaintiff gave written notice to repair or remedy the condition on _____, 20____.
- ☐ Plaintiff gave a subsequent written notice to repair or remedy the condition after a reasonable time to repair or remedy the condition after giving the first notice. The subsequent written notice was given on _____, 20____.

☐ Plaintiff gave written notice to repair or remedy the condition by certified mail, return, receipt requested, or registered mail or by another form of mail that allows tracking of delivery from the USPS or a private delivery service on _____, 20____.

☐ Plaintiff gave oral notice to repair or remedy the condition on _____, 20____. Name of person(s) to whom notice was given: _____ Place where notice was given: _____.

RENT: At the time Plaintiff gave notice to repair or remedy the condition, Plaintiff's rent was:

☐ current (*no rent owed*); ☐ not current but Plaintiff offered to pay the rent and Defendant did not accept it; or ☐ not current and Plaintiff did not offer to pay the rent owed.

Plaintiff's rent of \$ _____ is due on the _____ day of the ☐ month ☐ week ☐ _____ (*specify any other rent-payment period*).

Plaintiff's rent: ☐ is not subsidized by the government ☐ is subsidized by the government as follows, if known: \$ _____ paid by the government, and \$ _____ paid by Plaintiff.

RELIEF REQUESTED: Plaintiff requests the following relief (*check all that apply*):

- ☐ a court order to repair or remedy the condition;
- ☐ a court order reducing Plaintiff's rent in the amount of \$ _____ to begin on _____, 20____;
- ☐ actual damages in the amount of \$ _____;
- ☐ a civil penalty of one month's rent plus \$500;
- ☐ attorney's fees; and
- ☐ court costs.

JURISDICTION: Plaintiff states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

TRIAL:

- ☐ I request a jury trial. (*The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.*)
- ☐ I do not request a jury at this time.

SERVICE BY EMAIL: (*Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.*)

☐ Yes, I would like to receive documents related to this case by email at this email address:

☐ No, I do not want to receive any documents by email.

REMOTE PARTICIPATION:

Hearing by Phone Call: *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Defendant, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Defendant and understand that I must have a phone to use on the date and time of the hearing.

☐ No, I am not able to have hearings by phone call.

Hearing by Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ No, I am not able to have hearings by video conference.

NOTE: *Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

Respectfully submitted,

Signature of Plaintiff

Signature of Attorney, if any

Printed Name: _____

Printed Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

State Bar No.: _____