



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: SMALL CLAIMS CASE

I. DEFENDANT(S) ADDRESS:

II. COMPLAINT: Plaintiff files this suit against Defendant based upon the following facts:

III. RELIEF: Plaintiff seeks:

☐ damages in the amount of \$ _____,
☐ return of personal property as described as follows (*be specific*): _____
_____, which has a value of \$ _____.

Additionally, Plaintiff seeks the following:

IV. SERVICE OF CITATION: Service is requested on Defendant(s) by:

☐ Personal service at home or work,
☐ Registered mail, or
☐ Certified mail return receipt requested.

If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are: _____

- V. **ONGOING INTEREST:** Plaintiff ☐ does or ☐ does not seek ongoing interest. If so:
The effective interest rate claimed is _____%; this interest rate is based upon
☐ contract ☐ statute and began accruing on _____; the dollar amount of
interest claimed as of _____ is \$ _____.

VI. **JURY REQUEST**

☐ 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 Rule 502.3.*)

☐ I do not request a jury at this time.

- VII. **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.

VIII. **REMOTE PARTICIPATION**

Hearing by Phone Call: (*When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, 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 Plaintiff 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, Plaintiff, 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

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

Signature of Attorney, if any

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

State Bar No.: _____

CAUSE NO. _____

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

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

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/appli/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

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

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR 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.*

CONSTABLE INFORMATION SHEET

PLEASE COMPLETE THIS INFORMATION TO EXPEDITE SERVICE OF YOUR PAPERS.

PLAINTIFF NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

Number at which you can be reached or can leave a message: _____

DAYTIME FAX: _____

EMAIL: _____

DEFENDANT NAME: _____

RESIDENCE: _____

PLACE OF EMPLOYMENT: _____

RESIDENCE PHONE: _____ **WORK PHONE:** _____

MAIL ADDRESS IF DIFFERENT: _____

TYPE OF RESIDENCE: _____

Description of residence and any special direction:

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:		2. Names of parties in case:
Name: _____ Address: _____ City/State/Zip: _____ Email: _____ Signature: _____	Telephone: _____ Fax: _____ State Bar No: _____	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):		
<input type="checkbox"/> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	