



JUDGE R.B. White

JUDGE D.J. Walker

SMALL CLAIMS

JUSTICE COURT

100 W. MAIN bsmt 2

EASTLAND TEXAS 76448



EASTLAND COUNTY JUSTICES OF THE PEACE

Judge RB White, Pct. 1 & Judge DJ Walker, Pct. 2
 100 W. Main, BSMT 2 Eastland, Texas 76448
 (254) 629-1088 fax (254) 629-6084



DRESS CODE shoes are required, NO sleeveless shirts, no shorts, no exposed midriff.

FILING FEE

| CASE TYPE | FILING FEE | SERVICE FEE | TOTAL |
|--------------|------------|-------------|----------|
| SMALL CLAIMS | \$46.00 | \$80.00 | \$126.00 |
| EVICCTIONS | \$46.00 | \$85.00 | \$131.00 |
| CIVIL JURY | \$22.00 | 0000 | \$22.00 |

Service fees are for only Eastland County and apply for EACH defendant to be served.

MISC. FEES

| TYPE OF DOCUMENT | FEE | SERVICE FEE | TOTAL |
|----------------------|--------|-------------|----------|
| ABSTRACT OF JUDGMENT | \$5.00 | 0000 | \$5.00 |
| WRIT OF EXECUTION | \$8.00 | \$150.00 | \$158.00 |
| WRIT OF POSSESSION | \$8.00 | \$150.00 | \$158.00 |
| SUBPOENA | \$9.00 | \$80.00 | \$89.00 |

Venue - In all civil suits the Defendant generally has the right to be sued in the county and precinct in which he resides, however there are exceptions.

Legal Capacity of Defendant - You must sue the Defendant in their proper legal capacity. There are 3 general categories:

- Individual
- Proprietorship or Partnership – for example “John Doe, d.b.a. Smith Plumbing”
- Corporation – If the business that has injured you is incorporated, you must contact the State Comptroller’s Office at (800) 252-1386 or Secretary of State at (512) 463-5555 and obtain the name and address for service of the Registered Agent. This is the person who has been authorized to receive information regarding lawsuits filed against the corporation. The filing should read something to the effect of “ABC Corporation, by serving John Doe, Registered Agent”.

Citation - After you file the petition, with the Serviceman’s Relief Act affidavit, the court will issue a citation to be served on the Defendant. You may choose to have the Constable serve the petition or have it served by a private process server. No person who is a party to or has an interest in the outcome of a suit may serve any process.

Answer - The citation states that the Defendant must file an answer on or before the Monday following the expiration of 10 days. If they fail to do so, you MAY be eligible for a default judgment. You must contact the court to request a default judgment and if necessary a hearing may be held.

Plaintiff’s Burden - It is your burden as the Plaintiff to prove your case. Be sure to bring any documents or witnesses necessary to do so. You are not required to be represented by an attorney however you may not be represented by anyone who is not an attorney.

Court Rules and Procedures

Small Claims – Rules of evidence, discovery and civil procedure DO apply. Small Claims Court is informal and the Judge has the duty to develop the facts of the case. This is generally beneficial to parties who do not have an attorney.

After the suit

If you win your Suit to Evict, a defendant has 5 business days to file an appeal before a Writ of Possession can issue. If a money judgment is also awarded, and is not immediately paid, you may pursue several areas of post-judgment enforcement, including but not limited to:

- Abstract of Judgment
- Writ of Execution
- Writ of Garnishment

Seek legal advice from a licensed attorney for help with these and other options.

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: _____ | Telephone: _____ | Plaintiff(s): _____ _____ |
| Address: _____ | Fax: _____ | Defendant(s): _____ _____ _____ |
| City/State/Zip: _____ | State Bar No: _____ | |
| Email: _____ | | |
| Signature: _____ | | [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 \$10,000, 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 \$10,000, 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 \$10,000, 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any. | |

CAUSE # _____

JUSTICE COURT EASTLAND COUNTY PRECINCT 1 OR 2 CIRCLE ONE

CHECK ONE: SMALL CLAIMS () DEBT CLAIM () REPAIR & REMEDY ()

PLAINTIFF NAME _____

ADDRESS _____

PHONE # _____

Hereinafter called plaintiff, on oath, deposes and says that;

DEFENDANT'S NAME _____

ADDRESS _____

WORK ADDRESS _____

PHONE # _____

NAME OF PERSON TO BE SERVED _____

HEREINAFTER CALLED DEFENDANT, (IS) (ARE) justly indebted to the Plaintiff, in the sum of \$ _____ for. (Briefly describe the nature of Plaintiff's demand and claim)

Such claim is, within the knowledge of Plaintiff, just and true; it is due; and all just and lawful offsets, payments and credits have been allowed. Plaintiff further request that the court award reasonable attorney fees, (), court cost, (). PLAINTIFF RESERVES THE RIGHT TO PLEAD FUTHER AT TIME OF TRIAL.

PLAINTIFF _____

Subscribed & Sworn to before me, _____ day of _____ 20 ____.

Clerk or notary _____

Filing Instructions

This information is not offered as legal advice, but is procedural information only and may not cover all cases. This court and its staff cannot give legal advice. Legal advice should be sought from a licensed attorney. Texas statutes are available online at: <http://www.statutes.legal.state.tx.us/>

Evictions

Jurisdiction / Venue

The JP precinct in which the property is located has original exclusive jurisdiction. Suits for Eviction which include unpaid rent may not exceed \$10,000. Only unpaid rent may be joined to a Suit to Evict. Any other damages must be brought in a separate suit.

Plaintiff's Burden

Plaintiffs should familiarize themselves with applicable sections of the Texas Property Code and the Rules of Civil Procedure before filing. It is your burden as the Plaintiff to prove your case. Be sure to bring any documents or witnesses necessary to do so. You are not required to be represented by an attorney. You may be represented by your self, an attorney or an Authorized Agent.

Court Rules and Procedures

In Evictions the rules of evidence, discovery and civil procedure DO apply. All parties will be held to these rules, with or without an attorney. If you are not familiar with these rules you should contact an attorney.

After the suit

If you win your Suit for Eviction, or Back Rent /Lease, a defendant has 5 business days to file an appeal before a Writ of Possession can issue. If a money judgment is also awarded, and is not immediately paid, you may pursue several areas of post-judgment enforcement, including but not limited to:

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EVICTON EASTLAND COUNTY CAUSE # _____

Plaintiff Name _____ Phone # _____
Address _____ Fax # _____
City _____

VERSUS

Defendant Name _____ Phone # _____
Address _____ Fax # _____
City _____ Work Address _____

This is a LAWSUITE to evict _____
The Tenant rented the property on or about (date) _____ and still holds the property
The rent is \$ _____ per month and due on the _____ or the month

THE LANDLORD CLAIMS THE TENANT SHOULD BE EVICTED BECAUSE (briefly state your reasons)

THE WRITTEN NOTICE TO VACATE WAS GIVEN ON THE _____ Day of _____ BY _____

ATTACH A COPY OF THE NOTICE

THE COURT IS ASKED TO EVICT THE TENANT AND ORDER TO;

PAY BACK RENT OF \$ _____ + ALL RENT THROUGH THE JUDGMENT DATE; TOTAL \$ _____

() COURT COST () ATTORNEY FEES \$ _____ TOTAL OF ALL \$ _____

Plaintiff Signature _____
Agents PRINTED Name and Signature _____

SWORN TO AND SUBSCRIBED BEFORE ME;

Court Clerk _____

SEAL

Notary _____

My commission expires _____