

INFORMATION FOR FILING A SUIT IN JUSTICE COURT OR SMALL CLAIMS COURT

1. The amount of debt, damages or personal property one may sue for in Justice or Small Claims Court is limited to \$10,000.00 + court costs, and/or attorney's fees. Pre-judgment interest must be included in the \$10,000.00 maximum limit. You may sue for money or property or both in Justice Court, however, in Small Claims Court you may only sue for money. **Please contact the Court Clerk for required filing and service fee amounts.**
2. In all civil suits, The Defendant(s), generally have the right to be sued in the county and precinct in which they reside. Should you be filing this suit in the county and precinct because it is convenient to you, there may be a motion by the Defendant to transfer venue (request that this suit be transferred to some other county and precinct). Suit should be filed where incident or contract occurred. **You must have a physical address (not just a post office box) for the defendant in order for him/her to be served.**
3. The person(s) filing is defined as The Plaintiff(s). It is The Plaintiff's burden to provide the court with proof of their claim against The Defendant(s). It is the Plaintiff's responsibility to sue The Defendant(s) in their proper legal capacity; such as the following:
 - A. Personally: Where an individual is responsible to you for damage they may have caused you as an individual (e.g. John Doe).
 - B. Proprietor or Partnership: A business that is not incorporated, but does have on file with the County Clerk an assumed name (e.g. John Doe dba Greenhouse Supply).
 - C. Corporation: The business which has allegedly caused you damage is incorporated and therefore it is necessary to know the individual's name who is able to accept service on behalf of the corporation. (e.g. Greenhouse, Inc. Serve: John Doe).

The authorized agent for service would be listed with the Secretary of State whose phone number is 1-800-252-1386, ask for the Corporate Charter Division. Also for updated information, you may call the Secretary of State, The Comptroller's Office, whose number is 512-463-5555.

It is also possible for an incorporated entity to have an assumed name (e.g. Greenhouse, Inc. dba Greenhouse Supplies. Serve: John Doe)
4. If as Plaintiff, you are in the business of loaning money either primarily (banks, credit unions, savings and loans), or secondarily (credit cards), you are not allowed to sue in Small Claims Court: However an attorney representing any of the above may file suits on behalf of the above in Justice Court. Also, an action in Small Claims Court may not be brought by an assignee of the claim or other person seeking to bring action on as assigned claim or collection agency.
5. Once you have filed the petition stating the facts and circumstances of your suit, a citation along with a copy of your petition will be served to The Defendant notifying them that a suit has been filed against them in this Court. The citation will order to answer the suit on or before the Monday following the expiration of ten days from receipt of the citation. It is the Plaintiff's responsibility to notify the Court and Defendant of any address or phone number change.
6. A trial date will be set for approximately 45 days from the Defendant's answer date and all parties will be notified by mail. We discourage motions for continuance, however, any request for a continuance must be in proper form, and timely filed (at least 10 days prior to trial date): to wit, written request supported by an affidavit.

7. If you have a witness who will not come to court voluntarily, you may come (2) weeks prior to the trial date and request that a subpoena be prepared to secure their presence at your expense. **Please contact the Court Clerk for the required fee amounts for subpoena.**

Should the judgment be awarded in favor of The Plaintiff, you have the option of several different after judgment Remedies that may help collect your judgment. Please see the After Judgment Information Sheet. **You may contact the Court Clerk for required filing and service fees.**

IF YOU HAVE LEGAL QUESTIONS PLEASE CONTACT AN ATTORNEY. THIS COURT MAY NOT ANSWER ANY LEGAL QUESTIONS.