



SMALL CLAIMS INFORMATION

*** * * PLEASE READ THIS PACKET IN ITS ENTIRETY * * ***

The information contained in this packet is being provided by Hunt County Precinct 2 Justice of the Peace and Constable's Office located in Commerce, Texas. We hope this information helps you with filing your case with our court. As stated in the packet, we cannot give legal advice but can give information on procedures for filing your case.

Please feel free to contact our staff with any procedural questions you may have. Our contact information is below:

**Judge Kerry L. Crews, Justice of the Peace
Precinct 2, Place 1, Hunt County, Texas
1106 Main St.– P. O. Box 411,
Commerce, Texas 75429
903.886.6726 * Fax 903.886.8387**

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**Constable Michael Benson
Precinct 2, Place 1, Hunt County, Texas
1106 Main St. – P. O. Box 411,
Commerce, Texas 75429
903.886.7937 * Fax 903.886.8387**

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**Chief Clerk – Debbie Driggers
ddriggers@huntcounty.net**

**Clerk- Ericka Campbell
ecampbell@huntcounty.net**

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT TWO
	§	
_____	§	
DEFENDANT	§	HUNT COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

THIS DOCUMENT IS REQUIRED IN ORDER TO FILE A SMALL CLAIMS CASE (3 PAGES)

I. DEFENDANT(S) ADDRESS AND ADDITIONAL INFORMATION:

DOB: _____ LAST 3 OF DL: _____ PHONE #: _____

A Registered Agency must be served if the Defendant is a corporation:

Name: _____

To be served at: _____

II. COMPLAINT: Plaintiff files this suit against Defendant based upon the following facts (use additional pages if necessary):

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 (use additional pages if necessary):

This suit involves relief within the **jurisdiction of this court**, the total amount excluding court costs and statutory interest in an amount less than \$20,000 and any discovery to be conducted under the direction of the Judge.

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.: _____

THAT plaintiff reserves the right to plead further orally upon trial of this matter.
SUBSCRIBED AND SWORN before me this the _____ day of _____, 20_____.

By: _____
Clerk of the Court or Notary Public

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT TWO
	§	
_____	§	
DEFENDANT	§	HUNT COUNTY, TEXAS

SERVICEMEMBER’S CIVIL RELIEF ACT AFFIDAVIT

THIS DOCUMENT IS REQUIRED IN ORDER TO FILE AN EVICTION CASE (1 PAGE)

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/applj/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.*

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT TWO
	§	
_____	§	
DEFENDANT	§	HUNT COUNTY, TEXAS

CONSTABLE SAFETY FORM

IN ORDER TO EXPEDITE SERVICE AND PROVIDE FOR THE SAFETY OF OUR CONSTABLE, WE ASK THAT YOU ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR ABILITY.

DURING YOUR INTERACTION WITH THE DEFENDANT:

1. HAVE YOU WITNESSED ANY "ABNORMAL" BEHAVIOR?
2. HAVE YOU KNOWN, OR KNOWN OF THE DEFENDANT BEING VIOLENT WITH ANYONE?
3. HAVE YOU BEEN VERBALLY OR PHYSICALLY ASSAULTED BY THE DEFENDANT?
4. DO YOU KNOW OF AN OCCASION WHERE THE DEFENDANT HAS A WEAPON, OR HAS BRANDISHED A WEAPON OF ANY KIND?
5. DOES DEFENDANT HAVE ANY DOGS KNOWN TO BE AGGRESSIVE?
6. ARE YOU AWARE OF ANY MENTAL OR EMOTIONAL ISSUES THAT THE DEFENDANT MAY HAVE?
7. ARE YOU AWARE OF ANY POLICE RELATED CALLS REGARDING THE DEFENDANT?
8. ARE THERE ANY OTHER ISSUES YOU THINK MIGHT BE IMPORTANT FOR THE CONSTABLE TO KNOW?