

INSTRUCTION AND INFORMATION ON SMALL CLAIMS COURT

Before filing in the SMALL CLAIMS COURT, you must mail a Certified Return Receipt Request letter to the person responsible for your damages, giving him/her 10 days to respond. (letter should be in your own words) You may file on monetary only

1. The amount of money you may sue in Small Claims Court is limited to \$ 10,000.00. (PLAINTIFF is the party suing.) (DEFENDANT is the party you are suing)
2. In all Small Claims Suits, The Defendant has the right to be sued in the County and precinct in which he/she resides. It is your burden and important as a Plaintiff, 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, of which there are typically three, they are as follows:
 - A. PERSONALLY: where an individual is responsible to you for damages he/she may have caused you as an individual.
 - 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 Smith d.b.a. Greenhouse Supplies.
 - C. CORPORATION: the business which has allegedly caused you damages is incorporated and therefore it is necessary to know the individual's name who is able to accept service on behalf of the Corporation. (the authorized agent for service would be listed with the Secretary of State whose phone number is 1-800-252-5555 e.g. Greenhouse inc. Serve: John Doe)
3. If as Plaintiff, you are in the business of loaning money either primarily (Bank, Credit Union, Savings & Loans) or secondarily (Credit Cards) you are not allowed to file in Small Claims Courts, 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 an action on an assigned claim, or a Collection Agency.
4. Once you have filed the Petition & notarized stating the facts and circumstances of your Law-suit, a Citation with a copy of the petition will be served to the Defendant that a Law-suit has been filed and to answer between 10 to 20 days from the date of serving the Citation, if he fails to answer the Law-suit, a Default Judgment will be entered in your favor up until an answer is filed.
5. A TRIAL SETTING notice will be mail to both parties. Its your responsibility to present any evidence to prove your case, for a Motion for Continuance submit a request in writing within 5 days from the date of trial, if you have witnesses who will not come to Court voluntarily, you may come in 2 weeks prior to the trial and ask that a subpoena be prepared to secured their presence. If one party has an Attorney the other party will be advised to secured one. (in this type of law-suit you do not have to hire an attorney)
6. Should the Judge award Judgment in your favor, the Court does not collect and will not force the Defendant to pay the Judgment, however to help you collect your Judgment, you may request for:

ABSTRACT OF JUDGMENT FORM, (10 days after the trial) to put a lien on any real property the Defendant may own or reside in a County where the abstract is recorded in County Clerks Office and/or
WRIT OF EXECUTION / RESTITUTION FORM, (30 days after the trial) to authorizes the Sheriff or Constable to seize any assets belonging to the Defendant that are subject to the writ, those assets are then auction at a public sale and the proceeds are applied to the Judgment.
ANY ADDITIONAL LEGAL INFORMATION, YOU MAY CONSULT AN ATTORNEY.

FEES: (MONEY ORDERS ONLY)

FILING FEE / SERVICE FEE	Abstract of Judgment / Writs / Subpoenas
\$ 33.00 (for filing petition Payable to Justice Court Pct. 5-2)	\$7.00 (Payable to Justice Court Pct. 5-2)
\$ 60.00 (for serving citation Payable to Civil Proc)	\$ 200.00 (Payable to Sh. Dept. or Const. Dept.) for services
\$ 60.00 to sue 2 nd . Defendant (Payable to C. Proc)	\$ 65.00 (FOR SUPOENAS)
\$ 65.00 (Service Fee in another County)	

CAUSE NO: _____

Plaintiff's Petition
to file in
Small Claims Court

In The Justice Court
Precinct 5, Place 2,
Cameron county, Texas

Plaintiff's Original petition in Small Claims Court

Plaintiff's Name: _____

Address: _____

City/St.: _____ Phone No: _____

Files Suits Against:

Defendant's Name: _____

Address: _____

City/St.: _____ Phone No: _____

Plaintiff being duly sworn, on his oath deposes and says that Defendant is justly indebted in the sum of:

Amount of Suit and/or any additional Fees -----\$ _____

Filing Fee -----\$ _____

Services Fees-----\$ _____

Total -----\$ _____

Briefly describe the nature of your demand: _____

_____.

Here the nature of the claim should be state in concise form and without technicality, including all pertinent dates,
And there are no counterclaims existing in favor of the Defendant and against the Plaintiff, except,

Plaintiff's Signature

SUBSCRIBE AND SWORN TO BEFORE ME THIS _____ day of _____ 20_____.

CLERK OF JUSTICE COURT
Or Notary Public for the STATE OF TEXAS
My Commission expires: _____