

CIVIL INFORMATION PACKET

1. The statute of limitations for filing a Civil Suit / Small Claim is two (2) years from the date the incident occurred.

Civil Suit is for money judgment or return, replacement or repair of an item. Civil rules of procedure are followed.

Small Claim is for money judgment only. Rules of procedure are flexible.

2. The amount of money may be sued for in Justice/Small Court is limited to **\$20,000.00**. See attached Small Claims Court Procedures
3. It is the burden as Plaintiff, and it is important, in order for any judgment, you might receive to be valid, that you file the suit against the Defendant in their proper legal capacity. These capacities are as follows:

- a. **Personality**: Where the individual is responsible as an individual for the alleged damaged or wrong.

- b. **Company/Business**: A business owner that is not incorporated, but does have on file with the County Clerk an assumed name e.g. John Doe d/b/a Greenhouse Supplies. To determine whom the owner of an assumed name is; you should check the Assumed Name Index at the Dallas County Recording Division Records Building 500 Elm St Suite 2100 – 2nd Floor Dallas, TX 75202.

Corporation: If a business organization, which has allegedly damaged you, is in corporate, it is therefore necessary to know the individual's name that is able to accept service on behalf of the corporation. He /she are known as the **REGISTERED AGENT**, and his/her identity can be obtained from the Texas Secretary of State at **512-463-5560** or State Controller at **1-(800)-252-1386**. You may also look up the register agent at: <https://www.sos.state.tx.us/corp/sosda/index.shtml>

If you call, inform the agency that you are looking for the name of a specific company's registered agent. Provide the name of the company. The agency will have the registered agent's name on file if the business was organize in that state. It is also possible for an incorporated entity to have an assumed name e.g. Greenhouse, Inc., d/b/a Greenhouse Supplies.

- c. **Partnership**: There are special rules governing partnerships, please consult legal counsel.

4. The court will give you a receipt showing your case number so that you may call periodically to determine the progress of your case. **IT IS THE UTMOST IMPORTANCE TO USE YOUR CASE NUMBER WHEN CALLING OR TRANSACTING BUSINESS WITH THE COURT.** The court should be notified immediately, in writing, of any change of address or telephone number. Please provide the court with a day telephone number for you so that communication will be easier.

5. When you have completed the petition stating the facts and circumstances of your suit, a citation will be issued to the constable who will serve the defendant notifying him/her that a suit has been filed against him/her in this court.

6. The citation will order the defendant to answer to the suit on or before the Monday following the expiration date of ten days from receipt of the citation. If the defendant fails to answer, a default judgment may be issued against him/her. The plaintiff will be notified of a **PROVE-UP HEARING** to show proof that the amount filed for is the amount owed.

7. If the defendant answers the suit, the court will notify all parties by mail as to the trial date.

Continuance: If you cannot keep the scheduled court date, Plaintiff or Defendant may request a continuance. Any request for continuance must be timely filed, in writing, with supporting documentation.

8. Both you and the defendant are allowed to hire an attorney if you desire.

Subpoena: if you have witnesses who will not come to court voluntarily, you may come within a reasonable time prior to the trial and request a subpoena be prepared to secure their presence. Because a subpoena must be served on the witness, it is your burden to make sure the proper fees and related costs are paid, and there is adequate time for that person to be served. See attached fee schedule

9. **Appeal:** After rendition of the judgment, and the judgment letter is signed, either party has twenty-one (21) days to appeal the case to the County Court at Law where there will be a Trial De Novo, meaning as if the Justice Court trial had never occurred. See Court Clerk for instructions and filing fee(s)

10. The court does not collect the judgment for you, nor can the court force the defendant to pay the judgment without you pursuing the matter to a Contempt of Court Hearing. If you receive judgment which becomes final against the defendant, you may request an *Abstract of Judgment, Execution, and/or Garnishment* to help you collect the judgment in addition to other legal remedies that you may employ in your effort to collect the judgment.

- a. ***Abstract of Judgment*** puts a lien on any real property the defendant may own in a particular county where the abstract is recorded. An abstract may be obtained (21) days after the judgment is signed if the case is not appealed. See attached fee schedule

Once you receive your Abstract of Judgment from this court you will need to file it at Dallas County Recording Division Records Building 500 Elm St Suite 2100 – 2nd Floor Dallas, TX 75202

- b. ***Writ of Execution*** may be obtained (30) days after rendition of the judgment. This document orders the Sheriff / Constable to seize any assets belonging to the judgment creditor (Defendant) that are not exempt from execution and to sell those assets at public auction and apply the proceeds to payment of the judgment. See attached fee schedule

- c. ***Writ of Garnishment*** may be obtained thirty (30) days after rendition of the judgment. The garnishment proceeding is a separate suit in which you are the plaintiff and the defendant is a bank at which the judgment creditor has an account with money in it. You should be very careful and know what you are doing because if the judgment debtor does not have sufficient assets in his account, you might be required to pay the bank's attorney fees. You should consider hiring an attorney to help you with the garnishment proceedings. See attached fee schedule

- d. ***Show Cause Hearing*** You should consider hiring an attorney to help you with the Show Cause hearing.

11. If you have any other procedural questions, please ask the clerks. **THE CLERKS CANNOT PROVIDE LEGAL ADVICE. ONCE A CASE IS FILED, THE JUDGE MAY NOT DISCUSS YOUR CASE WITH YOU PRIOR TO THE TRIAL UNLESS ALL PARTIES ARE PRESENT.**

12. FOR LEGAL ADVICE OR POSSIBLE ASSISTANCE, YOU MAY CONTACT THE FOLLOWING:

Dallas Bar Association	(214) 220-7400
Dallas County Law Library	(214) 653-7481
North West Texas (Legal Aid)	(214) 748-1234
S.M.U. Dedmen (Legal Clinic)	(214) 768-2562
S.M.U. Law Library	(214) 768-3216
U.N.T. Dallas College (Legal Clinic)	(214) 243-1757
J. L. Turner Legal Association	http://www.jltla.org/



JUDGE THOMAS G. JONES
Justice of the Peace, Precinct 1, Place 1
8301 S. Polk Street Suite 2100
Dallas, TX 75232
Phone: 972-228-0280 Fax: 972-228-2737

FOR COURT USE ONLY:

CASE NO. JPC- _____ - 11

PRECINCT / COUNTY: _____

PETITION: DEBT CLAIM CASE

In the Justice Court, Precinct 1, Place 1, Dallas County, Texas

Plaintiff(s): _____

VS

Defendant(s): _____

Defendant(s) contact number: _____

Defendant(s) Address/City/State/Zip: _____

COMPLAINT: The basis for the claim which entitles the Plaintiff to seek relief against the Defendant is:

RELIEF: Plaintiff seeks damages in the amount of \$ _____.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:
_____.

ADDITIONAL INFORMATION (Case based on Credit Card, Revolving Account, or Open Account):

Account/Credit Card Name: _____ Account Number (may be asked): _____ Date of Issue/Origination Loan: _____
Date of Charge-off/Breach: _____ Amount owed: \$ _____ as of _____

ADDITIONAL INFORMATION (Case based on Promissory Note or other promise to pay personal or Business Loan):

Date/Amount of Original Loan: _____ \$ _____ Repayment / Accelerated? _____ Date / Final Payment Due: _____
Amount due on Final Payment Date: \$ _____ Amount due: \$ _____ as of _____

ONGOING INTEREST: Plaintiff ___ does, or ___ does not seek ongoing interest. If so, this interest is based on the following contractual/statutory reason: _____ and should be at _____ % \$ _____ of interest was due as of _____.

ASSIGNMENT OF CLAIM: Plaintiff ___ was, or ___ was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____, subsequent holders were _____, and the date the case was assigned/transferred to Plaintiff was _____.



If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____

Plaintiff Printed Name

Signature of Plaintiff or Attorney

Address of Plaintiff or Attorney City State Zip

Phone & Fax No. of Plaintiff or Attorney

CLERK INITIALS: _____

JUSTICE COURT CIVIL CASE INFORMATION SHEET (6/08/16)

CASE NUMBER (FOR CLERK USE ONLY): JPC- - - 11

VS

PLAINTIFF

DEFENDANT

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:	_____
_____	_____	_____
City/State/Zip:	State Bar No:	Defendant(s):
_____	_____	_____
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 \$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.	

South Dallas Government Center
Justice of the Peace, Precinct 1, Place 1
Judge Thomas G. Jones
8301 S. Polk Street Suite 2100
Dallas, Texas 75232
Phone: 972-228-0280 Fax: 972-228-2737
Email: JP11court@dallascounty.org



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FOR COURT USE ONLY:

CASE NO. JPC- _____ - 11

PRECINCT / COUNTY: _____

PETITION: SMALL CLAIM CASE

In the Justice Court, Precinct 1, Place 1, Dallas County, Texas

Plaintiff(s): _____

VS

Defendant(s):
(1) _____ (2) _____ (3) _____

1st Defendant's address:

Address _____

City _____ State _____ Zip Code _____ Phone Number _____

2nd Defendant's address:

City _____ State _____ Zip Code _____ Phone Number _____

3rd Defendant's address:

City _____ State _____ Zip Code _____ Phone Number _____

Check to indicate service on Registered Agent
☐ Registered agent for service for 1st Defendant:
Name: _____
Address _____
City _____
State _____ Zip Code _____
Phone _____

Check to indicate service on Registered Agent
☐ Registered agent for service for 2nd Defendant:
Name: _____
Address _____
City _____
State _____ Zip Code _____
Phone _____

Check to indicate service on Registered Agent
☐ Registered agent for service for 3rd Defendant:
Name: _____
Address _____
City _____
State _____ Zip Code _____
Phone _____

COMPLAINT: The basis for the claim, which entitles the Plaintiff to seek relief against the Defendant, is:

RELIEF: Plaintiff seeks damages in the amount of \$ _____, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are

Plaintiff Printed Name _____

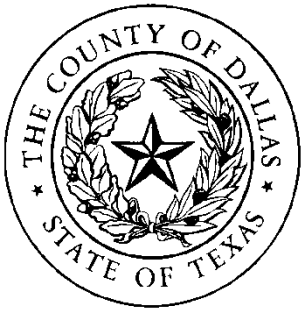
Address of Plaintiff or Attorney _____ City _____ State _____ Zip _____

Phone & Fax No. of Plaintiff or Attorney _____

Signature of Plaintiff or Attorney _____

PLT EMAIL: _____

CLERK INITIALS: _____



CASE NO. JPC- - - 11

_____ Plaintiff(s))	JUSTICE OF THE PEACE COURT
)	
VS)	PRECINCT 1, PLACE 1
)	
)	DALLAS COUNTY, TEXAS

Defendant(s)

MILITARY STATUS AFFIDAVIT

Plaintiff, or Plaintiffs representative, being duly sworn on oath deposes and says that, to the best of my knowledge,
Defendant(s)

_____ is not in the military

_____ is not on active duty in the military

_____ is not in a foreign country on military service

_____ is on active duty and/or is subject to the Service Members Civil Relief Act of 2003

_____ has waived his rights under the Service Members Civil Relief Act of 2003

_____ Military status is unknown at this time

Plaintiff / Representative

SIGNED AND SWORN TO before me on this _____ day of _____, 20_____

CLERK OF THE COURT

Department of Defense Service Members Civil Relief Act Website: <https://www.dmdc.osd.mil/appj/scra/>

Penalty for making or using a 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

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CASE NUMBER (FOR CLERK USE ONLY): JPC- - - 11

VS

PLAINTIFF

DEFENDANT

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1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name:	Telephone:	Plaintiff(s):
Address:	Fax:	
City/State/Zip:	State Bar No:	Defendant(s):
Email:		
Signature:		[Attach additional page as necessary to list all parties]

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