

DEBT CLAIM PETITION REQUIREMENTS

A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collections agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be brought for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.

Texas Rules of Civil Procedure, Rule 508.2

- (a) *Contents.* In addition to the information required by Rule 502.2, a petition filed in a lawsuit governed by this rule must contain the following information:
- (1) **Credit Accounts.** In a claim based upon a credit card, revolving credit, or open account, the petition must state:
 - (A) the account name or credit card name;
 - (B) the account number (which may be masked);
 - (C) the date of issue or origination of the account, if known;
 - (D) the date of charge-off or breach of the account, if known;
 - (E) the amount owed as of a date certain; and
 - (F) whether the plaintiff seeks ongoing interest.
 - (2) **Personal and Business Loans.** In a claim based upon a promissory note or other promise to pay a specific amount as of a date certain, the petition must state:
 - (A) the date and amount of the original loan;
 - (B) whether the repayment of the debt was accelerated, if known;
 - (C) the date final payment was due;
 - (D) the amount due as of the final payment date;
 - (E) the amount owed as of a date certain; and
 - (F) whether plaintiff seeks ongoing interest.
 - (3) **Ongoing Interest.** If a plaintiff seeks ongoing interest, the petition must state:
 - (A) the effective interest rate claimed;
 - (B) whether the interest rate is based upon a contract or statute; and
 - (C) the dollar amount of interest claimed as of a date certain.
 - (4) **Assigned Debt.** If the debt that is the subject of the claim has been assigned or transferred, the petition must state:
 - (A) that the debt claim has been transferred or assigned;
 - (B) the date of the transfer or assignment;
 - (C) the name of any prior holders of the debt; and
 - (D) the name or a description of the original creditor.