

SMALL CLAIMS (for Justice Court)

NOTICE

Read over your paperwork carefully and complete all forms included in the packet. If you fail to provide ALL of the information required, the case may be dismissed. It is best to have an Attorney, but if you choose to represent yourself, you are responsible for your case. **Refer to the Self Help Resources for assistance.**

- The Judge and Clerks are prohibited from providing legal advice or assisting in filling out forms.
- **Please refer to www.AngelinaCounty.net to access the County Maps link to determine the precinct/office you should file in and that office's hours of operation, hours they accept civil filings, and the methods of payment accepted.**
- If you are a Pro Se Litigant (Not represented by an Attorney), it is your responsibility to be familiar with the laws that govern Small Claims Suits. A copy of the **Texas Rules for Civil Procedure (Sec. 500-506 covers Small Claims)** is provided in our office for your review during normal business hours. You may also access the links on our website www.AngelinaCounty.net under Justice of the Peace, Civil Court page. **The Court CANNOT assist you with your case. Utilize the resources provided.**
- Forms are located on our website under Justice of the Peace, Civil Court Forms. You **must** provide the court with 1 original, 1 copy for your records, and 1 copy per defendant (*if 2 defendants will be served, then you must provide a copy for each of them*) of the petition and all documents supporting the petition.
- Check the status of your case under the Judicial Records Search on our website at www.AngelinaCounty.net. Defendant(s) have 15 days to answer the Court from the date they are served. If an answer is filed with the Court, the Court will proceed accordingly. If a party does NOT answer the Court, you may request a hearing in writing following the deadline to answer.
- The Judge cannot discuss your case outside of the hearing. **Please visit our website for information on how to present evidence during the COVID 19 pandemic.**
- The Constable does NOT serve Out of County Citations. Please notify the clerk if the Party you are suing will not be served in Angelina County.
- If your suit is settled out of court and you no longer wish to come to your hearing, please file it in writing with the Court. You may use the form for Non Suit located on our website if you wish.

Court Fees:

| | |
|----------------------|--|
| Filing of Petition | \$ 46.00 |
| Writ of Execution | \$ 20.00 (\$ 5.00 per page X 4 Pages) |
| Abstract of Judgment | \$ 5.00 |

Constable Fees

| | |
|---------------------|------------------------|
| Service of Citation | \$ 90.00 per defendant |
| Execution of Writ | \$ 175.00 |

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

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

Small Claims Case Packets

Small Claims Cases may be filed Monday thru Friday 8:00 a.m. to 4:00 p.m.. Beginning September 1, 2017 the cost is \$46.00 to file and \$90.00 per person served.

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) _____

In the Justice Court, Precinct _____, Angelina County, Texas

PLAINTIFF _____

VS.

DEFENDANT(S): _____

Defendant(s) contact info: _____

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 \$_____.

Additionally, plaintiff seeks the following: _____
_____.

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

_____.

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: _____.

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):
DATE OF BIRTH: _____

Address of Plaintiff's Attorney, if any, or Plaintiff if none

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

City State Zip

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

Cause No. _____

| | | |
|--------------|---|------------------------|
| _____ | § | IN THE JUSTICE COURT |
| Plaintiff(s) | § | |
| Vs. | § | PRECINCT _____ |
| _____ | § | |
| Defendant(s) | § | ANGELINA COUNTY, TEXAS |

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

I, _____, the undersigned, does hereby certify that the last known address of the Defendant(s) is as follows:

Name: _____
Street Address: _____
City, State, Zip _____

Certified to by,

Print Name

Signature

Date

Case No: _____
(Print court information exactly as it appears on your Petition)

Justice Court Precinct _____
Angelina County, Texas

Military Status Affidavit

State of Texas, County of _____
(Print the name of county where this Affidavit is notarized)

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

1. "My name is: _____.
First Middle Last
2. "The Respondent's name is: _____.
First Middle Last
3. "I am the Petitioner in this case. I am an adult and of sound mind. I have personal knowledge of the facts stated in this affidavit. "The facts stated in this affidavit are true and correct.

(Check all boxes that apply)


"I know that the Respondent is **not** in the military because I asked the U.S. Department of Defense to check their Defense Manpower Data Center (DMDC) database. DMDC notified me that the Respondent is not on active duty in any of the armed forces.

"I attached a true copy of the DMDC verification. (If you check this box, you **must** attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>.)

"I know that the Respondent is **not** now in the military because:

"I do not know if the Respondent is in the military now.

! Do not sign until you are in front of a notary !

 _____
Signature of Person Signing Affidavit Date

Notary fills out below.

State of Texas, County of _____

Sworn to and subscribed before me, the undersigned notary, on (date) _____ at _____ a.m./p.m.

by _____
(Print name of person who is signing this Affidavit, NOT the notary's name.)  _____
Notary's Signature

NOTICE OF SELF-HELP RESOURCES

The Texas Rules for Civil Procedure and the Texas Property Code are kept for your viewing during normal business hours and are available on our website at www.AngelinaCounty.net

Angelina County – www.angelinacounty.net

Department of Defense Official Servicemembers Civil Relief Act (SCRA) Website - <https://scra.dmdc.osd.mil/scra/#/home>

Texas Constitution and Statutes: www.statutes.legis.state.tx.us
This site provides complete access to all Texas Codes

Texas Secretary of State: www.sos.state.tx.us/corp/publicinfo.shtml

Texas Legislature Online: www.legis.state.tx.us

This site allows the user to track past and pending House and Senate Bills

Call The State Bar of Texas Toll-Free at 1-877-9TEXBAR if you need help locating an attorney, you may be eligible for free or low-cost legal assistance or by website www.texasbar.com

Legal Services Corporation - www.lsc.gov

The State Law Library – www.sll.texas.gov

TexasLawHelp.org is a website where low-income Texans can find information about their civil legal issues and find out about free legal assistance in their area. www.TexasLawHelp.org

Texas Justice Court Training Center Self Represented Litigants: <https://www.tjctc.org/SRL.html>

The Office of Court Administration – www.TXCourts.gov

This website is funded in part by a grant from the Legal Services Corporation. It is the result of a partnership between Lone Star Legal Aide, the Texas Office of Court Administration, Texas Legal Services Center, and the Texas Access to Justice Commission. www.TexasCourtHelp.gov

Lone Star Legal Aid Library – 800-354-1889
414 East Pillar St. – Nacogdoches, TX 75961-5511

Kurth Memorial Library: www.kurthmemoriallibrary.com

Address: 706 S. Raquet St. .. Lufkin, TX 75904 -- Phone: 936-630-0560

Kurth Memorial Library is open 10am to 7pm on Mondays, 9am to 6pm Tuesday through Thursday, 9am to 5:30 on Friday, and 9am to 1pm on Saturdays.