

SMALL CLAIMS (for Justice Court)

TRCP Part V § 500-506 covers Small Claims

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.**

Effective January 1, 2022, Justice Court Civil Filing Fee has increased to **\$54.00**

- 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 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. **Evidence for your case should be provided at the time of filing and a copy of everything filed with the Court should also be provided for the other parties in the case.** Failure to provide a copy for all parties in suit will result in additional charges for copies made by the Court.
- 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 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.

Court Fees:

Filing of Petition \$ 54.00

Constable Fees

Service of Citation \$ 90.00 per defendant

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

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: |
|--|---|
| <p>Name: <input style="width: 80%;" type="text"/> Telephone: <input style="width: 20%;" type="text"/></p> <p>Address: <input style="width: 80%;" type="text"/> Fax: <input style="width: 20%;" type="text"/></p> <p>City/State/Zip: <input style="width: 80%;" type="text"/> State Bar No: <input style="width: 20%;" type="text"/></p> <p>Email: <input style="width: 100%;" type="text"/></p> <p>Signature: _____</p> | <p>Plaintiff(s): <input style="width: 100%; height: 40px;" type="text"/></p> <p>Defendant(s): <input style="width: 100%; height: 80px;" type="text"/></p> <p style="text-align: right; font-size: small;">[Attach additional page as necessary to list all parties]</p> |
| 3. Indicate case type, or identify the most important issue in the case (<i>select only 1</i>): | |
| <p><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.</p> | <p><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.</p> |
| <p><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.</p> | <p><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.</p> |

Effective January 1, 2022, the Civil Court Filing Fee increases to \$54.00

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

Cause Number: _____

In the _____
Court Number

- District Court
- County Court at Law
- Justice Court

County Name County, Texas

Military Status Declaration

(Check only one)

I am signing this affidavit in front of a notary public.
DO NOT SIGN THIS DOCUMENT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.

I am signing this document **under penalty of perjury** under Texas Penal Code 37.02 and 37.03—that is, I am signing it knowing that it is a crime if, with intent to deceive and with knowledge of the statement's meaning, I make a false unsworn declaration.

1. "My name is: _____
First Middle Last

2. "I am the Petitioner in this case.

3. "I am at least 18 years old.

4. "I am of sound mind.

5. "I have personal knowledge of the facts stated in this declaration.

6. "The facts stated in this declaration are true and correct.

7. "I understand that if I make or use a military status affidavit or declaration, knowing it to be false, I may be fined, imprisoned for not more than one year, or both. See 50 U.S.C. App. Section 521(c).

8. "The Respondent's name is: _____
First Middle Last

9. "The Respondent's military status is:

Check all boxes that describe your situation.

The Respondent is in the military now.

I know the Respondent is **not** in the military now because I searched the U.S. Department of Defense's Defense Manpower Data Center (DMDC) database. According to the results of the search of the DMDC database, Respondent is not on active duty in any of the armed forces. I have attached a true copy of the DMDC verification.

(If you check the box above, you must attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address:
<https://scra.dmdc.osd.mil/scra/>.

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

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

Signature

If you **DO NOT** have access to notary public services, sign below.

My name is _____ . My date of birth is _____ .

My address is _____
street city state ZIP country

I declare **under penalty of perjury** that all information in this Military Status Declaration is true and correct.

Signed in _____ County, _____ (state),

on this date: _____ / _____ / _____
Month/ Day/ Year/

▶ _____
Your Signature

WARNING: Under Texas Civil Practice and Remedies Code 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above. Perjury is a crime in Texas. See Texas Penal Code 37.02 and 37.03.

If you **DO** have access to notary public services, sign below—but not until you are in front of a notary public.

Petitioner's signature

Notary fills out below

State of Texas,

County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned Notary, on date: _____

by _____
(Print the first and last names of the person signing this affidavit.)

I, the Notary Public, whose signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

▶ _____
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.