

Parker County

Debt Claim Petition Packet

Judge Kelly Green



PARKER COUNTY JUSTICE COURT
PRECINCT TWO
JUDGE KELLY GREEN

PLEASE READ CAREFULLY

THE FOLLOWING INFORMATION IS FURNISHED TO YOU AS A COURTESY OF THE JUSTICE OF THE PEACE OFFICE. NEITHER I, NOR MY CLERKS CAN ADVISE YOU WHAT YOU SHOULD DO. WE CAN ONLY ANSWER PROCEDURAL QUESTIONS. PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION.

1. The amount of money, which may be sued for in Justice Civil and Small Claims Court, may not exceed \$10,000.00; on a suit for personal property the value of the property may not exceed \$10,000.00.

2. Fill out petition with the **complete** information for **EACH** page included in this packet, including zip codes. **PLEASE PRINT.**

You are the plaintiff and the person or entity you are suing is the defendant. In all civil and small claim suits, the defendant has the right to be sued in the county and precinct in which he resides. There are exceptions to this rule. Should there be a motion by a defendant to transfer venue, a hearing will be set to determine if a transfer of venue will be granted.

3. My clerks are barred by law from giving you legal advice such as who to sue, who to serve, whether or not the defendant is a company, or how much to sue for. It is important 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. IT IS YOUR BURDEN AS THE PLAINTIFF TO MAKE SURE YOU ARE SUING THE DEFENDANT IN HIS PROPER LEGAL CAPACITY.

4. After the petition is completed, you will then be required to pay the fees for filing the claim. The filing fee is \$46.00 and the service of citation fee is \$100.00 per person or entity you are suing. A citation along with a copy of your petition will be served to the defendant by the Constable or Sheriff's deputy notifying him that a suit has been filed against him in this court.

You will be notified by this office by mail on when your case will be set for Court. This Court will send notices for trial at least two weeks prior to the hearing.

5. If you should receive a judgment, please understand that this court does not collect the judgment for you, nor can we force the defendant to pay the judgment. It is your responsibility to request any post-judgment remedies.

Please see Texas Rules of Civil Procedures for these remedies.

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.

<p>1. Contact Information for person completing Case information sheet.</p>	<p>2. Names of parties in this case:</p>
<p>Name: _____</p> <p>Phone #: _____ Fax #: _____</p> <p>Address: _____</p> <p>City/State/Zip _____</p> <p>State Bar # _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>(Attach additional pages as necessary to list all parties)</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1)</p>	
<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 \$10,000, 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 of the amount of rent due and unpaid is not more than \$10,000, 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 \$10,000, 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

PETITION: DEBT CLAIM CASE

CASE NO. _____

PLAINTIFF _____

Vs. **In the Justice Court, Precinct Two, Parker County, Texas**

DEFENDANT(S): _____

Defendant(s) address: _____

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 or by alternative service as allowed by the Rules of Practice in Justice Courts. 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 masked): _____
Date of Issue/Origination: _____ 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 and the date the case was assigned/transferred to plaintiff 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's Printed Name

Signature of Plaintiff or Attorney

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

City State, Zip

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

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____
*LAST 3 NUMBERS OF DRIVER LICENSE: _____
* LAST 3 NUMBERS OF SOCIAL SECURITY: _____
DEFENDENTS PHONE NUMBER: _____

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT

_____	X	In Justice Court
Vs	X	Precinct Two
_____	X	Parker County Texas

Before me, the undersigned clerk of the justice court or notary public, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury stated the following:

My name is *[please print]* _____; I am *[check one]* _____ the plaintiff or _____ an authorized agent or _____ attorney for the plaintiff in the above styled and numbered cause. I am over the age of 18 and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

[check as applicable]

- The defendant is not in the military
- The defendant is not on active duty in the military and/or
- The defendant is not in a foreign country on military service
- The defendant is on active military duty and/or is subject to the Service member Civil Relief Act of 2003.
- The defendant has waived his/her rights under the Service member Civil Relief Act of 2003.
- The defendant's military status is unknown at this time.

Signature of Plaintiff/Agent/Attorney

Subscribed and sworn to before me by _____ on this the _____ day of _____, 20____.

Court Clerk/Notary Public

PENALTY FOR MAKING OR USING 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 imprisoned for not more than one year, or both.