

FILING A CIVIL SUIT DEBT CLAIM, SMALL CLAIM, REPAIR AND REMEDY

BEFORE YOU FILE A CIVIL LAW SUIT:

In Justice Court you may represent yourself or you may hire an attorney to represent you. The first thing I recommend for litigants to do is to send a demand letter to the person you are in conflict with. You can develop this letter or you can hire an attorney to do this for you. In your letter, tell the defendant exactly what you are asking for and give them a date in which they are to complete your request. Send this letter to the defendant in regular mail and a copy of the same letter should be mailed certified with the request for a return receipt, showing who picked up the notice as well as the date it was received. You should always keep a copy of your letter. In some cases it's just a matter of miscommunication between the two parties. If you can resolve the matter out of court it is to your advantage. This is not legal advice, just common sense. The court cannot give legal advice or recommend an attorney for you.

FILING OF DEBT CLAIM, SMALL CLAIM, and REPAIR AND REMEDY IN CIVIL COURT:

After the date to comply has passed and the defendant has not satisfied your demands, you may file a law suit by filing out a Petition. In most cases the suit should be filed in the County and Precinct where the defendant resides. But, there are other circumstances that could determine where it is filed as well. (See the Texas Rules for Civil Procedure for a complete list) In Justice Court the maximum you may sue for is \$10,000.00. The petition can be filed in person or through the United States Postal Service. If you are mailing the petition into the court, you must have your signature notarized. You will also be required to file a Justice Court Civil Case Information Sheet, both documents can be obtained from the court web site. Mailing address is: Justice Court Precinct Four, P.O. Box 52, Chilton, Texas 76632. If you are filing the petition in person with the court our physical address is: 432 State Highway Business 7, Chilton, Texas 76632. Please go to the forms page and print off the following:

1. The Petition (It is up to you to determine the kind of suit you are filing , read the description of the different kinds of suits on the Justice Court Civil Case Information Sheet) please pick and print the appropriate Petition for the kind of suit you are filing.
2. Justice Court Civil Case Information Sheet

NOTE: IT IS YOUR RESPONSIBILITY TO DETERMINE THE KIND OF SUIT YOU NEED TO FILE. YOU MUST ALSO FILE THE CIVIL SUIT IN THE CORRECT COURT AS WELL AS THE CORRECT PRECINCT AND COUNTY. OTHERWISE YOUR SUIT MAY BE DISMISSED FOR LACK OF JURISDICTION OR VENUE.

FEES: Filing fee of \$46.00 and a service fee of \$100.00. If there is more than one person named in the suit you will pay \$100.00 service fee for each person named in the suit. This is for service of the citation. If the defendant lives in another county and will be served in another county, it will be your responsibility to have the citation served by an authorized agent, i.e. Constable or Private Process Server who is certified by the State of Texas in that county . You will be paying the posted service fee for the county of residence of the

defendant. . Fees are to be paid at the time of filing in the form of money order, cashier check or by debit /credit card.

MILITARY:

In the event of default by the defendant you must file a Service Members Civil Relief Affidavit on each adult individual named in the suit, showing the military status of the defendant(s). This affidavit is provided by the court.

Please go to the forms page and print of the following:

1. Service Members Civil Relief Affidavit

WHAT HAPPENS NEXT?

After you have filed your formal Petition / complaint with the court and paid all fees due at the time of filing, the judge will issue a Citation for the Constable to serve to the defendant(s) at the address in which you have supplied to the court. The defendant(s) will be notified that they are being sued and given a date to answer to the allegations. After the date has passed for the defendants answer, the defendant will be notified where and when to appear for the civil trial. You the plaintiff will also be notified of the trial date.

You will have the total burden of proof to the court. Please bring all financial documents to the court hearing which will proved the balance you are seeking judgment. Please furnish the court with copies of all documents. These documents will be retained by the court and tiled within your case docket.

**For more information, please refer to:
THE TEXAS RULES FOR CIVIL PROCEDURE**

JUDGMENT:

In the event you receive a judgment , the defendant will have 21 days in which he /she may file an appeal. Judgment is final on the 22ND day.

FINAL JUDGMENT:

After final judgment you may request in writing an Abstract of Judgment for the amount awarded in court. There is a \$5.00 document fee for the Abstract of Judgment which you must pay when requesting the abstract. This document can be filed in the county clerk's office in the county in which you feel the defendant may own real property.

HOW LONG WILL THIS TAKE?

The Code of Civil Procedure requires time limits on Service and Hearing Dates. Your case will be processed according to these laws. I cannot give you a definitive answer to this question, but know that the court will process your case as required and in an expedient manner.

PLEASE TAKE SPECIAL NOTICE:

This office cannot give you legal counsel, the information provided is to assist you in understanding the process which your case will be adjudicated.