

INFORMATION FOR FILING A SUIT IN JUSTICE COURT

1. The amount of debt, damages, or personal property one may sue for in Justice Court is limited to \$20,000.00 + court costs. Pre-judgment interest must be included in the \$20,000.00 maximum limit. You may sue for money or property or both in Justice Court. **Please contact the Court Clerk for required filing and service fee amounts.**
2. In all civil suits, The Defendant(s), generally have the right to be sued in the county and precinct in which they reside. Should you be filing this suit in the county and precinct because it is convenient to you, there may be a motion by the Defendant to transfer venue (request that this suit be transferred to some other county and precinct). Suit should be filed where incident or contract occurred. **You must have a physical address (not just a post office box) for the defendant in order him/her to be served.**
3. The person(s) filing is defined as The Plaintiff(s). It is The Plaintiff's burden to provide the court with proof of their claim against The Defendant(s). It is the Plaintiff's responsibility to sue The Defendant(s) in their proper legal capacity, such as the following:
 - A. Personally: Where an individual is responsible to you for damage, they may have caused you as an individual (e.g. John Doe).
 - B. Proprietor or Partnership: A business that is not incorporated but does have on file with the County Clerk an assumed name (e.g. John Doe dba Greenhouse Supply).
 - C. Corporation: The business which has allegedly caused you damage is incorporated and therefore it is necessary to know the individual's name who is able to accept service on behalf of the corporation. (e.g. Greenhouse, Inc. Serve: John Doe).

The authorized agent for service would be listed with the Secretary of State whose phone number is 1-800-252-1386, ask for the Corporate Charter Division. Also, for updated information, you may call the Secretary of State, The Comptroller's Office, whose number is 512-463-5555.

It is also possible for an incorporated entity to have an assumed name (e.g. Greenhouse, Inc. dba Greenhouse Supplies. Serve: John Doe)
4. New Civil Laws went into effect as of August 31, 2013. 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. This civil case information sheet can be found online or in most offices where you are filing a suit. You must indicate what case type from one of the following:
 - A. Debt Claim: A debt claim 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 \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.
 - B. 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 \$20,000.00 excluding statutory interest and court costs but including attorney fees, if any.

- C. *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 \$10,000.00 excluding statutory interest and court costs but including attorney fees, if any.
- D. *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 \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.
5. Once you have filed the petition stating the facts and circumstances of your suit, a citation along with a copy of your petition will be served to The Defendant notifying them that a suit has been filed against them in this Court. The citation will order to answer the suit on or before the 14th day after service of the citation. It is the Plaintiff's responsibility to notify the Court and Defendant of any address or phone number change.
 6. A trial date will be set for approximately 45 days from the Defendant's answer date and all parties will be notified by mail. The exception to this is in eviction suits. The hearing on eviction suits will be held no less than 10 and no more than 21 days from filing of the suit. We discourage motions for continuance, however, any request for a continuance must be in proper form, and timely filed (at least 10 days prior to trial date): to wit, written request supported by an affidavit.
 7. If you have a witness who will not come to court voluntarily, you may come (2) weeks prior to the trial date and request that a subpoena be prepared to secure their presence at your expense. **Please contact the Court Clerk for the required fee amounts for subpoena.**

Should the judgment be awarded in favor of The Plaintiff, you have the option of several different after judgment Remedies that may help collect your judgment. **You may contact the Court Clerk for required filing and service fees.**

**IF YOU HAVE LEGAL QUESTIONS PLEASE CONTACT AN ATTORNEY.
THIS COURT MAY NOT ANSWER ANY LEGAL QUESTIONS.**