

INSTRUCTIONS AND INFORMATION FOR FILING CIVIL SUITS

1. The amount of the debt or damages or personal property for which you may sue in Justice Court, and Debt Claim may not exceed the limit of the court which is \$20,000.00. Small suits are for money or property.
2. In all civil suits the defendant, generally, has the right to be sued in the county and precinct in which he resides, However, there are exceptions to this rule. Should you be filing this suit in this 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.) If motion is made, a hearing shall be set for not less than 45 days after the motion is filed, unless all parties agree to a shorter time period. Additional fees will be required if transfer is granted.
3. It is your burden as a Plaintiff and 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, ow which there are typically four. They are as follows:
 - a. Personally. An individual who is responsible to you for damage he may have caused you as an individual.
 - b. Proprietor. A business that is not incorporated, but does have on file with the County Clerk an assumed name, such as John Smith dba Greenhouse Supplies.
 - 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 agent for service on behalf of the Corporation. (The authorized agent for service would be listed with the Secretary of State.
 - d. Partnership. There are special rules governing partnerships. Please consult legal counsel. Your suit must be made to the owners of the business.

If as a Plaintiff you are in the business of loaning money, banks, credit Unions, saving and loans, you must file as a Debt Claim. However, an attorney representing any of the above or an individual may file suits on behalf of the above in Debt Claim.

As a Plaintiff, you also must sue in the legal capacity in which you were damaged.

4. The responsibility of filling out the petition rest with you, the Plaintiff. The Court Clerk will assist you if you have questions only as it pertains to the forms. PLEASE DO NOT MAIL YOU PETITION TO THIS COURT UNLESS IT HAS BEEN NOTORIZED. Filing and service fees for Grayson County are listed on attached pages. IF THE DEFENDANT RESIDES OUTSIDE OF GRAYSON COUNTY, THE CITATION SERVICE FEE WILL VARY. CONTACT THE COUNTY OF SERVICE FOR THE AMOUNT.
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 him of the fact that a suit has been filed against him in this court, unless it is being served outside of Grayson County and then the Plaintiff will be responsible to get the paperwork to the appropriate County for service. If you desire a jury trial, you mist remit a \$22.00 jury fee and a written request.
6. The citation will order the defendant to answer to this suit by the end of the 14th day after the day they were served with these papers. If the 14th day is a Saturday, Sunday or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday,

Sunday or legal holiday. If he fails to do so, you then become eligible for a default judgment up until the time the answer is filed.

7. If the defendant answers the suit, this court will notify both parties by mail as to the trial date. The trial date will be set according to the Texas Rules of Civil Procedure for not less than 45 days from the answer date. We discourage motions for continuance, However, any requests for a continuance must be in proper form and timely filed (at least 5 working days prior to trial date in the form of a written request supported by an affidavit).
8. If you have witnesses who will not come to court voluntarily, you may come at least two weeks prior to the trial and ask for subpoenas to be prepared to secure their presence. The fee for subpoena in Grayson County is \$100.00 plus \$10.00 cash for the witness must accompany the subpoena. Service area for subpoenas is limited to within a 100-mile radius of the court.
9. You may call in periodically to determine the progress of your case. **ANY CHANGE OF ADDRESS OR PHONE NUMBER MUST BE SUPPLIED TO THE COURT AND TO THE DEFENDANT.**
10. Notarized statements from individuals are of very little value, as the opposing party has a right to cross examine witnesses. Personal appearances and testimony are much more effective. Any expert witnesses you require should be in court.
11. It is not necessary to have an attorney, however, feel free to do so if you wish. The defendant may also have an attorney, Corporations **MUST** be represented by an attorney in Debt Claim suits.
12. This court **DOES NOT COLLECT** the money judgment for you, nor can we force an indigent defendant to pay the judgment. If you receive a judgment for your claim, you may request an Abstract of Judgment and/or a Writ of Execution to help collect this judgment. The court cannot advise you any legal advice.

Cost Including service for one defendant: \$149.00

Cost for each additional defendant: \$95.00

PROPER ATTIRE WILL BE REQUIRED FOR ALL HEARINGS BEFORE THE COURT.

IF YOU WISH TO INTRODUCE ANY WRITTEN EVIDENCE, YOU MUST PROVIDE COPIES OF EACH DOCUMENT TO THE COURT AND THE OPPOSING PARTY.

THE STATE OF TEXAS

SMALL CLAIMS CASE

COUNTY OF GRAYSON

PRECINCT _____

PLAINTIFF'S ORIGINAL PETITION

PLAINTIFF: _____

Address: _____

Phone # _____ DOB ____ / ____ / ____ DL# last 3 digits _____

DEFENDANT: _____

or authorized agent: _____

Address: _____

Phone # _____ DOB ____ / ____ / ____ DL# Last 3 digits _____

CAUSE OF ACTION: _____

Amount sued for: _____

Court Cost: _____

Total: _____

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

ATTORNEY FOR PLAINTIFF (IF ANY)

Subscribe and sworn to before me this ____ day of _____ 20__.

Clerk, Justice of the Peace Court
Precinct ____, Grayson County, TX

CAUSE NO. _____

PLAINTIFF (S)

)

IN THE JUSTICE COURT

VS.

)

PRECINT 2

DEFENDANT

)

GRAYSON COUNTY, TEXAS

**AFFIDAVIT OF MILITARY SERVICE
SERVICEMEMBERS CIVIL RELIEF ACT OF 2003, SEC.201 (b)**

On the _____ day of _____, 20____,

_____, Plaintiff (s) in the above entitles and numbered Cause or
by Attorney, being duly sworn on oath deposes and certifies to the Clerk of the said Court that the
Defendant in the above entitled and numbered Cause:

{ } is not in the military

{ } is not on active duty in the military and/or

{ } in not in a foreign country on military service

{ } is on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003.

{ } Defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.

{ } Defendant's military status is unknown at this time.

Signed this the ____ day of _____, 20____.

PLANTIFF(S) OR BY ATTORNEY

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

Notary Public In and for the State of Texas

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.

(Seal)

(Notary or Clerk of Court) _____

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:	
Name: _____	Telephone: _____	Plaintiff(s): _____ _____	
Address: _____	Fax: _____	Defendant(s): _____ _____	
City/State/Zip: _____	State Bar No: _____	_____ _____	
Email: _____		[Attach additional page as necessary to list all parties]	
Signature: _____			
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.	

WWW.DMDC.OSD.MIL/APPJ/SCRA/SCRAHOME.DO



There is a problem with this website's security certificate.

The security certificate presented by this website was not issued by a trusted certificate authority.

Security certificate problems may indicate an attempt to fool you or intercept any data you send to the server.

We recommend that you close this webpage and do not continue to this website.

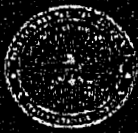
Click here to close this webpage.

Continue to this website (not recommended).

More information

150 USC Appix. §§501 et seq. as amended

The services provided on this site are FREE



Welcome to the Official Servicemembers Civil Relief Act (SCRA) Website



Home

Single Record Request

Multiple Record Requests

User's Guide

FAQs

News

My Account

Click Here News and Alerts

See all news

11/21/2014 2:39 p.m. Pacific - Intermittent SCRA Outage

The SCRA website experienced intermittent service interruptions on Thursday, November 20th, due to sporadic network outages at DMDC. SCRA's intermittent downtime throughout the day lasted for periods of approximately 30 minutes. This problem was solved, and we apologize for any inconvenience these intermittent service interruptions may have caused.



OR click Here

Welcome to SCRA

SCRA is a program that provides certain protections from civil actions against servicemembers who are called to Active Duty. It restricts or limits actions against these personnel in the areas of financial management, such as rental agreements, security deposits, evictions, installment contracts, credit card interest rates, mortgages, civil judicial proceedings, income tax payments, and more. From this site

Users may submit a Single Record Request to obtain a report certifying Title 10 active duty status for provisions under SCRA. This report is also called a Certificate. No account is required to use the Single Record Request.

Users may also request Multiple Record Requests of multiple individuals (or multiple dates for a single individual) to determine Title 10 active duty status for provisions under SCRA. An account is required to use the Multiple Record Request. These users will be able to

Resources

[User's Guide](#)

[Privacy Notice](#)

[Help with Browser Certificate Error](#)

[Download Adobe Reader](#)

[What is an SCRA Certificate?](#)

See Reverse