



CHRISTINA FOX
JUSTICE OF THE PEACE, PCT. 4
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**JUSTICE COURT CIVIL CASE
FOR MONEY OR PROPERTY**

Limit of the Court is \$20,000.00

TEXAS RULES OF CIVIL PROCEDURE

RULES 500-507 PART V

**THE JUDGE CANNOT DISCUSS THIS CASE
WITH YOU PRIOR TO THE HEARING. IF YOU
HAVE ANY LEGAL QUESTIONS, YOU MUST
CONSULT AN ATTORNEY**

texasbar.com

FOR THE PUBLIC

Case No. SC4-_____

 Plaintiff

_____ v. _____

 Defendant

§ **In the Justice Court**
 §
 § **Precinct 4, Place 1**
 §
 § **County of Grayson**
 §
 § **State of Texas**

Small Claims Petition

(This form must be accompanied by a Justice Court Civil Case Information Sheet)
*(For all addresses, you **MUST** include number, street, apartment number, city, state, & zip code.)*

NOW COMES the above named **Plaintiff(s)** in the above entitled and numbered cause complaining of the above named **Defendant(s)**, who can be notified and/or served with citation at the following address:

Defendant's address:

 ADDRESS and APT NO or SUITE

 CITY STATE ZIP

 OTHER, if any

Phone _____ FAX _____

<i>Check to indicate service on Registered Agent</i>	
<input type="checkbox"/>	Registered agent for service of Defendant
NAME _____	
ADDRESS _____	
CITY STATE ZIP _____	
OTHER _____	
Phone _____	FAX _____

Defendant(s) is/are justly indebted to Plaintiff(s) for return of the following described property:

 _____ valued at \$ _____

Or
 Defendant(s) is/are justly indebted to Plaintiff(s) in the sum of \$ _____ for the following reason(s):

Plaintiff(s) request(s) a judgment for a sum of **money** against Defendant(s), plus pre-judgment interest, plus reasonable attorney fees, plus all costs of court, plus post-judgment interest at the highest legal rate.

X _____
 Signature of **Plaintiff, Plaintiff's authorized agent, or**

 Address, Apartment or Suite No.

City _____ State _____ Zip _____

Phone _____ FAX _____

X _____
 Signature of **Plaintiff's Attorney (if applicable)**

 Attorney Address and Suite No.

Attorney City _____ Attorney State _____ Attorney Zip _____

Phone _____ FAX _____

 Bar Card # _____

 (initial) I consent to email service of the answer and any other motions or pleadings, to my email address

 Email address

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

 Clerk, Justice of the Peace Court Pct. 4, Grayson County, Texas



Instructions:

The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing to be false, may be fined or imprisoned or both. 50 USC App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. JC _____

§
§
§
§
§
§
§
§
§

IN THE JUSTICE COURT

Plaintiff

GRAYSON COUNTY, TEXAS

Vs. _____

PRECINCT 4, PLACE 1

Defendant

BEFORE ME, on this day personally appeared, _____,
who, under penalty of perjury, stated that the following facts are true:

I am the Plaintiff. Attorney of Record for the Plaintiff in this proceeding.

_____, Defendant, is not in military service.

_____, Defendant, is in military service.

I know this because _____

I am unable to determine whether or not the Defendant is in military service.

Signed on _____

Signature

Printed Name

Address Apt. # City Zip

Telephone Email Address

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

SWORN TO AND SUBSCRIBED BEFORE ME on _____



Clerk of the Court/Notary Public, State of Texas

THE SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act ("SCRA") is a federal law which imposes certain procedural requirements in civil cases to protect members of the armed services and their families. These requirements apply to any court of any state whether or not the court is a court of record.

In any case in which the defendant does not make an appearance, before entering a judgment for the plaintiff the court "shall require the plaintiff to file with the court an affidavit:

- (A) stating whether or not the defendant is in military service and *showing necessary facts to support the affidavit*; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that *the plaintiff is unable to determine whether or not the defendant is in military service*.

If the plaintiff fails to file an affidavit under the SCRA in an eviction case, the court may not grant a default judgment. Likewise, if the plaintiff files an affidavit stating that the defendant is not in military service, but fails to "show necessary facts to support the affidavit," the court may not grant a default judgment.

(Typically, plaintiffs will attach a printout from the Department of Defense website (<https://www.dmdc.osd.mil/>) but they are not required to use that form as long as they show "necessary facts" to support the affidavit. For example, in one case a plaintiff attached an affidavit from the defendant's mother stating that he was not in military service.)

A source that can be used to determine the Military Status of a Defendant, is the following *Service Member's Civil Relief Act* website:

<https://www.dmdc.osd.mil/>

Or, if you are unable to use this website you may request Active Duty Verifications by mail: You must provide a SSN and a last name. The birth date is optional, but suggested when available. The SSN must match for the DMDC to identify an individual as on Active Duty.

Military verification requests by mail can be sent with a self-addressed stamped envelope to the following address.

**Defense Manpower Data Center Attn: Military Verification 1600 Wilson Blvd., Suite
400 Arlington, VA 22209-2593**

Please note Defense Manpower will not process your request without a self-addressed stamped envelope.