

SMALL CLAIM CASE

Please make sure to read all the information provided, and if you still have questions contact a lawyer or other legal resources provided in this packet.

The clerks are not allowed to give legal advice.

You must provide a payment of \$51.00 for the filing fee payable to JP#1, plus additional payment of \$75.00 payable to Bastrop Constable for EACH citation to be served along with the application. If you wish to have someone other than JP1 Constable service the citation, then you would pay that company direct.

(money order, cashier check or business check only)

www.bastrop.tx.us/page/co.justice_peace

LEGAL ADVICE AND INTAKE CLINICS FOR LOW INCOME INDIVIDUALS

*Co-Sponsored by Volunteer Legal Services of Central Texas,
Texas RioGrande Legal Aid, and
Bastrop County Bar Association*

An evening legal clinic for individuals who wish to apply for free legal services through Texas RioGrande Legal Aid, Volunteer Legal Services, and Bastrop County Bar Association. At the clinic, applicants complete an application and may briefly meet with a volunteer attorney to discuss their legal problem. All applications are then later reviewed to determine if the applicant is eligible for representation.

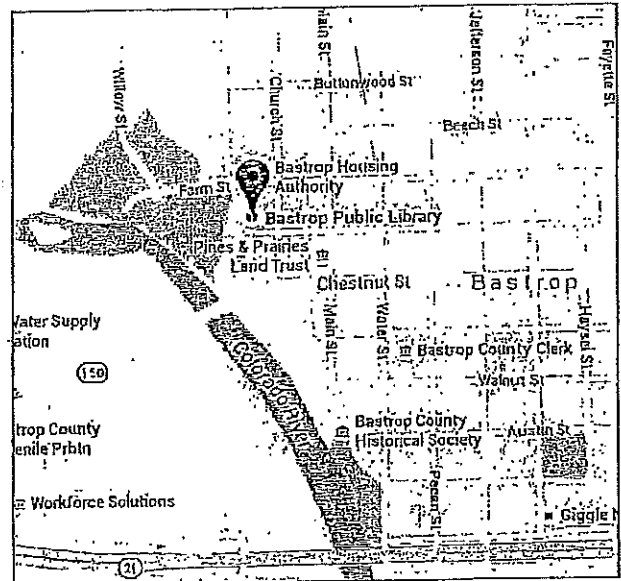
NO CRIMINAL OR IMMIGRATION MATTERS.

WHEN: 1st Tuesday of every month, 5:30-7:30pm

WHERE: Bastrop Public Library

1100 Church St.

Bastrop, TX 78602



Applicants may sign in between 5:30 p.m. and 6:30 p.m. No one will be allowed to sign in after 6:30 p.m.

ADDITIONAL INFORMATION: Spanish language interpreters are available at each clinic. For more information about the clinics, call Texas RioGrande Legal Aid at 512-374-2700, Monday through Friday, 8:00 a.m. - 5:00 p.m.

Legal Resources for the Community

Lawyer Referral Service of Central Texas

512-472-8303 LRS is a public service designed to help you find an attorney or other legal resources or community service organizations. We are a non-profit established in 1966. Through this service, you can obtain a thirty-minute appointment with an attorney that handles your type of case for only \$20.

LegalLine

Call 472-8303 from 5:30 to 7:30 p.m. on the first Tuesday of every month for LegalLine, the free legal advice hotline that answers legal questions over the telephone. Sponsored by the Lawyer Referral Service of Central Texas and Austin Young Lawyers Association, LegalLine is staffed by attorney volunteers who answer legal questions and give brief legal advice.

People's Law School

A community service organized by the Austin Bar Association, UT Law School, the Lawyer Referral Service, and KEYE, the People's Law School features basic classes in many types of law. Classes are taught by attorney volunteers. This year's event will be held Feb. 23, 2008, at the UT Law School.

Texas RioGrande Legal Aid - Austin Office

1-888-988-9996 or 512-374-2700 (Austin) 8 a.m. - 5 p.m. Monday through Friday for general civil legal services. Austin Legal Clinic East Drop-in (no calls) Monday evenings 6 - 7 p.m., Martin Junior High, 1601 Haskell (Corner of Comal and Haskell). Austin Legal Clinic North Drop-in (no calls) Wednesday evenings 6 - 7 p.m., Webb Middle School, 601 E. St. John's Ave., Austin.

Fee Disputes for Travis County

512-472-0279 The Austin Bar Association's Fee Dispute Committee handles billing disputes between Travis County attorneys and their clients.

Advocacy, Inc.

800-315-3876 or 512-454-4816 (Austin) Disability-related issues, including access and discrimination

Austin Tenants Council

512-474-7007 (Austin) Housing discrimination based on race, color, religion, sex, national origin, familial status, or disability

Capital Area Agency on Aging

888-622-9111 or 512-916-6062 (Austin) Provides persons over age 60 with abuse/neglect referral, legal awareness education, health care information, long-term care insurance information, public benefits counseling/information, ombudsman services. Also provides assistance with filling out forms, individual advocacy, individualized advice, public interest advocacy, self-help materials and referrals to other agencies

Capital Area AIDS Legal Project

512-458-2437 (Austin) Estate planning, discrimination, debtor counseling, insurance problems, access to health care, public benefits, family law, immigration and other matters encountered by eligible clients

Dispute Resolution Center

512-371-0033 (Austin) Provides alternative dispute resolution services including mediation, mini-trial, moderated conference settlement conference, summary jury trial and arbitration

Family Eldercare, Inc

512-450-0844 (Austin) Guardianships and money management assistance for incapacitated elderly or disabled persons, due to neglect, abuse or exploitation

Political Asylum Project of Austin (PAPA)

512-478-0546 (Austin) Immigration: asylum, cancellation of removal, voluntary departure, VAWA, citizenship, family-based visa petitions, detainees rights

SafePlace

Domestic Violence Hotline: 512-928-9070 (Austin) Sexual Assault Hotline: 512-440-7273 (Austin) www.austin-safeplace.org
Domestic violence services, sexual assault crisis center and services to victims with disabilities

Texas Workforce Commission

512-320-8808 (Austin-Labor Solutions) 512-832-9116 (Austin-North) 512-416-1314 (Austin-Veteran's Ctr) 512-719-4145 (Austin-Workforce Ctr). Provides employment-related assistance including discrimination in employment, education, job search and unemployment insurance; services include general information, individual advocacy, and ombudsman services

Austin Association for Legal Professionals

Austin LSA, Inc. is the association for legal professionals (formerly known as the Austin Legal Secretaries Association, Inc.) is a non-partisan, non-union, non-sectarian, non-profit, and educational organization chartered in 1960 by NALS, Inc. and is affiliated with the Texas Association of Legal Professionals.

State Bar of Texas

1-800-204-2222 or 512-427-1463 (Austin) For information on attorneys -statewide, consumer information publications, and complaints about an attorney.

Jury Duty

Find information about serving on a Travis County jury.

Filing a Grievance - Questions & Answers

1-800-932-1900 Allegations of misconduct by an attorney are very serious, and are reviewed carefully by the Office of the Chief Disciplinary Counsel. If you believe that an attorney has violated the Texas Disciplinary Rules of Professional Conduct, you may report this information to the State Bar in the form of a grievance.

The Legal Hotline for Older Texans

Client calls: 1-800-622-2520 or 512-477-3950 The Hotline offers legal advice and referrals to Texans age 60 and older, provided by staff and volunteer attorneys. Our primary focus is service to low income Texans whose access to legal assistance is otherwise limited.

Travis County Department Directory

DONNA J. THOMSON
JUSTICE OF THE PEACE
PRECINCT ONE
BASTROP COUNTY, TEXAS



Please read this packet completely before filing your suit. Legal advice can only be obtained from an attorney. Our Court Clerks are trained in procedure only, and cannot give any legal advice. This is for the clerk's protection as well as your own. The following procedural instructions are the only information you will receive from this office. You may need to consult an attorney to protect your interests.

Justice Court Suit Information Packet

To the citizens of Precinct One:

Justice Court is here for your benefit and it is our job to help you in any way possible.

However, the rules of Judicial Ethics prohibit this office from:

- Giving legal advice
- Telling either party how to present their case; or
- Expressing opinions of the law

The Judge and Court Clerk can answer questions:

- Only of a general nature;
- About procedures of this court; or
- Cost of court

We must remain impartial and we cannot hear any part of a case or discuss the merits of any case unless all parties are present. Please do not ask us to violate these rules. The information contained herein is **FOR YOUR INFORMATION** and is offered as a guide to all interested parties. As always, we recommend that you seek some form of sound legal advice.

Instructions and Information for Filing Justice Court Suits

Jurisdiction

Justice Court

- \$10,000.00
- Exclusive of interest
- Inclusive of Attorney Fees
- Exclusive of Court Costs

Type of Case Authorized

Justice Court

- *Small Claims Case.* A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, or personal property. The claim can be for no more than \$10,000 excluding statutory interest and court costs but including attorney fees, if any. Small claims cases are governed by Rules 500-507 of Part V of the Rules of Civil Procedure.
- *Debt Claim Case.* 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 in damages, excluding statutory interest and court costs but including attorney fees, if any. Debt claim cases in justice court are governed by Rules 500-507 and 508 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 508 and the rest of Part V, Rule 508 applies

- *Repair and Remedy Case.* A repair and remedy case is a lawsuit brought to seek judicial remedy for the alleged failure of a landlord to remedy or repair a condition as required by Chapter 92 of the Texas Property Code. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Repair and remedy cases are governed by Rules 500-507 and 509 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 509 and the rest of Part V, Rule 509 applies.
- *Eviction Case.* An eviction case is a lawsuit brought to recover possession of real property under Chapter 24 of the Texas Property Code, 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 must paid is not more than \$10,000, including costs and attorney fees, if any. Eviction cases are governed by Rules 500-507 and 510 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 510 and the rest of Part V, Rule 510 applies.

Type of Case Prohibited

Justice Court

- Suit by state to recover penalty forfeiture or escheat
- Divorce
- Slander and Defamation Suits
- Foreclosure lien on land
- Suit for trial of title to land

Filing Fee

- **FILING FEES:**
Justice Court Filing Fees are \$51.00

The filing fees are payable to Bastrop County JP #1 by money order or cashier's check.

This Court will give you a receipt showing your case number and the Clerk of the Court's business card so that you may call in periodically to determine the progress of your case. Any change of address or telephone number must be supplied to the Court and to the defendant.

Service Fee

- **SERVICE FEES:** Each Defendant must be served personally, usually by a Constable or Sheriff, in the County where the Defendant is located. Fees for service vary by County; Bastrop County charges \$75.00 per Defendant.

If the Defendant is to be served in a County other than Bastrop, the Plaintiff is responsible for calling the County Courthouse for the County in which the Defendant will be served. Ask who serves Civil Citations for Justice Court suits in that County (usually a Constable or Sheriff) and call the appropriate office. Find out the name, address, and service fees for civil citations.

The Service fees are payable to the County and Official who will be serving your citation.
Example : Bastrop Constable Pct. 1

Pleadings

RULE 502.1. PLEADINGS AND MOTIONS MUST BE WRITTEN, SIGNED, AND FILED: Except for oral motions made during trial or when all parties are present, every pleading, plea, motion, application to the court for an order, or other form of request must be written and signed by the party or its attorney and must be filed with the court. A document may be filed with the court by personal or commercial delivery, by mail, or electronically, if the court allows electronic filing.

Venue

In all civil suits, the defendant has the right to be sued in the county and precinct in which he resides. There are some 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).

General Rule (500.0(b):

(a) *Applicable Law.* Laws specifying the venue- the county and precinct where a lawsuit may be brought- are found in Chapter 15, Subchapter E of the Texas Civil Practice and Remedies Code, which is available online and for examination during the court's business hours.

(b) *General Rule.* Generally, a defendant in a small claims case as described in Rule 500.3(a) or a debt claim case as described in Rule 500.3(b) is entitled to be sued in one of the following venues:

- (1) the county and precinct where the defendant resides;
- (2) the county and precinct where the incident, or the majority of incidents, that gave rise to the claim occurred;
- (3) the county and precinct where the contract or agreement, if any, that gave rise to the claim was to be performed; or
- (4) the county and precinct where the property is located, in a suit to recover personal property.

(c) *Non-Resident Defendant, De fendant's Residence Unknown.* If the defendant is a non-resident of Texas, or if defendant's residence is unknown, the plaintiff may file the suit in the county and precinct where the plaintiff resides.

Suit for Eviction (510.3)

The petition must be filed in the precinct where the premises is located. If it is filed elsewhere, the judge must dismiss the case. The plaintiff will not be entitled to a refund of the filing fee, but will be refunded any service fees paid if the case is dismissed before service is attempted.

Motion to Transfer Venue. If a plaintiff files suit in an improper venue, a defendant may challenge the venue selected by filing a motion to transfer venue. The motion must be filed before trial, no later than 21 days after the day the defendant's answer is filed, and must contain a sworn statement that the venue chosen by the plaintiff is improper and a specific county and precinct of proper venue to which transfer is sought. If the defendant fails to name a county and precinct, the court must instruct the defendant to do so and allow the defendant 7 days to cure the defect. If the defendant fails to correct the defect, the motion will be denied, and the case will proceed in the county and precinct where it was originally filed.

Parties To the Suit

- **NAME OF THE PLAINTIFF:** This is the party that is instituting the suit. Only the individual(s) or company(s) named at the top of the Petition as Plaintiff(s) may collect a Judgment in favor of the Plaintiff.

The Plaintiff must sue the Defendant(s) in their proper legal capacity:

- **AS AN INDIVIDUAL:** The Plaintiff must sue the Defendant individually in the following two situations:
 1. The Defendant is personally responsible to you for damages he/she may have caused you.
 2. The Defendant as an individual operating a proprietorship or partnership is responsible to you for damages he/she may have caused.
- **ASA PROPRIETORSHIP OR PARTNERSHIP:** A proprietorship or partnership is a business that is not incorporated, but has filed an "Assumed Name" with the County Clerk. For example, "John Smith, d.b.a. Smith Plumbing Company". To determine whether a company or an individual has an assumed name you must contact the County Clerk's office in the County where the company is located.
- **AS A CORPORATION:** If the business that has injured you is incorporated, you must contact the State Comptroller's Office at (800) 252-1386, or the Secretary of State at (512) 463-5555. Ask for the name and address for service of the Registered Agent for service of the corporation (the President or Vice-President will also work). This is the person who has been authorized to receive information regarding lawsuits filed against this corporation. For example: when completing your complaint, the name of the Defendant should read "ABC Corporation, by serving John Smith, Registered Agent".

Please understand that as plaintiff, you have the burden of proof to show by the weight of the evidence that the defendant you are suing is the proximate cause of your damages in the capacity in which the defendant is sued. All damages and evidence necessary to meet your burden should be available at the time of filing and not later than the date of trial.

Citation

- **STATING YOUR CLAIM:** State the nature of your claim fully, listing specific facts and circumstances about your claim. You must itemize how you obtained the total amount of your claim if it involves more than one item. You may not diminish the amount of your claim in order to qualify for the jurisdiction of this Court. For example: If your evidence shows that you sustained \$12,000.00 in damages, you cannot tell the Court that you are "willing to take \$10,000.00". This would result in your claim being dismissed for lack of jurisdiction.

Service of Citation

- **Evictions:** 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. The Sheriff's Office or Constable will serve these papers and the Court must wait until they have been returned before further action may be taken. In all other types of cases it's the Plaintiff's responsibility to ensure service of the citation. Check periodically by telephone either with this office or the Constable or Sheriff's office directly.

RULE 501.2. SERVICE OF CITATION FOR ALL OTHER TYPES OF CASES EXCEPT FOR EVICTIONS.

(a) *Who May Serve.* No person who is a party to or interested in the outcome of the suit may serve citation in that suit, and, unless otherwise authorized by written court order, a citation in an eviction proceeding and writs and notices of attachment, execution, garnishment, sequestration, possession, re-entry and restoration of utility service, and turnover must be served by a sheriff or constable. Other citations may be served by:

- (1) a sheriff or constable;
- (2) a process server certified under order of the Supreme Court;
- (3) the clerk of the court, if the citation is served by registered or certified mail; or
- (4) a person authorized by court order who is 18 years of age or older.

(b) *Method of Service.* Citation must be served by:

- (1) delivering a copy of the citation with a copy of the petition attached to the defendant in person, after endorsing the date of delivery on the citation; or
- (2) mailing a copy of the Citation with a copy of the petition attached to the defendant by registered or certified mail, restricted delivery, with return receipt or electronic return receipt requested.

(c) *Service Fees.* A plaintiff must pay all fees for service unless the plaintiff has filed a sworn statement of inability to pay the fees with the court. If the plaintiff has filed a sworn statement of inability to pay, the plaintiff must arrange for the citation to be served by a sheriff, constable, or court clerk.

(d) *Service on Sunday.* A citation cannot be served on a Sunday except in attachment, garnishment, sequestration, or distress proceedings.

(e) *Alternative Service of Citation.* If the methods under (b) are insufficient to serve the defendant, the plaintiff, or the constable, sheriff, process server certified under order of the Supreme Court, or other person authorized to serve process, may make a request for alternative service. This request must include a sworn statement describing the methods attempted under (b) and stating the defendant's usual place of business or residence, or other place where the defendant can probably be found. The court may authorize the following types of alternative service:

- (1) mailing a copy of the citation with a copy of the petition attached by first class mail to the defendant at a specified address, and also leaving a copy of the citation with petition attached at the defendant's residence or other place where the defendant can probably be found with any person found there who is at least 16 years of age; or
- (2) mailing a copy of the citation with a copy of the petition attached by first class mail to the defendant at a specified address, and also serving by any other method that the court finds is reasonably likely to provide the defendant with notice of the suit.

(f) *Service by Publication.* In the event that service of citation by publication is necessary. The process is governed by the rules in county and district court.

Defendant's Answer

- *Requirements.* With the exception of Eviction case. All other types of cases: A defendant must file with the court a written answer to a lawsuit as directed by the citation and must also serve a copy of the answer on the plaintiff. The answer must contain:
- (1) the name, address, telephone number, and fax number, if any, of the defendant and the defendant's attorney, if applicable; and
- (2) if the defendant consents to email service, a statement consenting to email service

- and email contact information.
- (b) *General Denial*. An answer that denies all of the plaintiff's allegations and demands that they be proven without specifying the reasons is sufficient to constitute an answer or appearance and does not bar the defendant from raising any defense at trial.
- (c) *Answer Docketed* The defendant's appearance must be noted on the court's docket.
- (d) *Due Date*. Unless the defendant is served by publication, the defendant's answer is due by the end of the 14th day after the day the defendant was served with the citation and petition, but
 - if the 14th day is a Saturday, Sunday, or legal holiday, the answer is due on the next day that is not a Saturday, Sunday, or legal holiday; or
 - if the 14th day falls on a day during which the court is closed before 5:00PM, the answer is due on the court's next business day.
- (e) *Due Date When Defendant Served by Publication*. If a defendant is served by publication, the defendant's answer is due by the end of the 42nd day after the day the citation was issued, but
 - (1) if the 42nd day is a Saturday, Sunday, or legal holiday, the answer is due on the next day that is not a Saturday, Sunday, or legal holiday; or
 - if the 42nd day falls on a day during which the court is closed before 5:00PM, the answer is due on the court's next business day.
- (f) For Eviction Cases an answer may be filed, but not required.

Representation

- *Representation of an Individual*: An individual may: represent himself or herself;
- be represented by someone who is not an attorney and is not being compensated for the representation; or be represented by an attorney.
- *Representation of a Corporation or Other Entity*: A corporation or other entity may: be represented by an employee, owner, member, officer, or partner of the entity who is not an attorney, or attorney
- *Evictions*: be represented by a property manager in an eviction case; or be represented by an attorney.

Trial Preparation

- If you have witnesses who will not come to Court voluntarily, you may come in two weeks prior to the trial and ask that a subpoena be prepared to secure their presence. The Court does not guarantee that service will be obtained. Successful service of witness subpoenas is your responsibility. There is not a charge for the Court to issue a Subpoena, but a \$10.00 bill must be attached to the top of the Subpoena for the witness. Notarized statements from individuals are of very little value and may not always be admissible evidence. Personal appearance and testimony is much more beneficial.
- **EVIDENTIARY SUBPOENAS**: If the Defendant or any other witness has documentation that you do not have, which is necessary to prove your case, you may have the person who has control of the evidence subpoenaed to bring the documentation to Court. The items you want must be listed clearly and attached to the Subpoena. All of the other information mentioned above is also applicable to evidentiary subpoenas.

Jury

- *Jury Demand for all cases except for eviction cases:* Any party is entitled to a trial by jury. A written demand for a jury must be filed no later than 14 days before the date a case is set for trial. If the demand is not timely, the right to a jury is waived unless the late filing is excused by the judge for good cause.
 - *Jury Fee.* Unless otherwise provided by law, a party demanding a jury must pay a fee of \$22.00 or must file a sworn statement of inability to pay the fee at or before the time the party files a written request for a jury.
 - *Withdrawal of Demand.* If a party who demands a jury and pays the fee withdraws the demand, the case will remain on the jury docket unless all other parties present agree to try the case without a jury. A party that withdraws its jury demand is not entitled to a refund of the jury fee.
 - *No Demand.* If no party timely demands a jury and pays the fee, the judge will try the case without a jury.
 - *Eviction Jury Trial Demanded.* Any party may file a written demand for trial by jury by making a request to the court at least 3 days before the trial date.
 - *Jury Fee.* Unless otherwise provided by law, a party demanding a jury must pay a fee of \$22.00 or must file a sworn statement of inability to pay the fee at or before the time the party files a written request for a jury.
 - *Withdrawal of Demand.* If a party who demands a jury and pays the fee withdraws the demand, the case will remain on the jury docket unless all other parties present agree to try the case without a jury. A party that withdraws its jury demand is not entitled to a refund of the jury fee.
 - *No Demand.* If no party timely demands a jury and pays the fee, the judge will try the case without a jury.
- You will receive written notice of your Court date. If you change your address or phone number, please notify the Court immediately. Please arrive on time for your scheduled trial or hearing.

Appeal Information

- All Cases except for Eviction cases, either party has ten (21) days in which to appeal the Judge's decision. An appeal bond and "Notice of Appeal" must be filed with the Court on or before 5:00 pm on the 21st after the date of Judgment. Appeals filed after this date will be denied.
- Contact the Court and find out the amount of the appeal bond required for your appeal.
- Prepare a Notice of Appeal, file it with the Court, and mail a copy to the opposing party by certified mail, return receipt requested.
- Prepare a Cash Bond (Money Order or Cashier's Check only), a Signature Bond, or a Surety Bond for the entire amount of the Appeal Bond required by the Court.
- The Court will then prepare a Transcript of the pleadings on file in your case and send it to Bastrop County Court at Law. All Court contact from this point on will be with the Bastrop County Court at Law. There will be filing fees required from the County Court at Law, and they will contact the party who is appealing regarding payment of those fees.

Appeal Information Eviction Cases

- *How Taken; Time.* A party may appeal a judgment in an eviction case by filing a bond, making a cash deposit, or filing a sworn statement of inability to pay with the justice court within 5 days after the judgment is signed.
- *Amount of Security; Terms.* The justice court judge will set the amount of the bond or cash deposit to include the items enumerated in Rule 510.11. The bond or cash deposit must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.

Motion for New Trial

- *Time and Manner.* Either party may appeal the decision of the justice court to a statutory county court, a county court or district court with jurisdiction by filing a written notice of appeal with the justice court within 21 days after the date the judge signs the judgment. If the judgment is amended in any respect, any party has the right to appeal within 21 days after the date the judge signs the new judgment, in the same manner set out in this rule.
- *Perfection.* The posting of an appeal bond is not required for an appeal under this rule, and the appeal is considered perfected with the filing of a notice of appeal. Otherwise, the appeal is in the manner provided by law for appeal from a justice court.
- *Effect.* The timely filing of a notice of appeal stays the enforcement of any order to repair or remedy a condition or reduce the tenant's rent, as well as any other actions.
- *Costs.* The appellant must pay the costs on appeal to a county court in accordance with Rule 143a.
- *Trial on Appeal.* On appeal, the parties are entitled to a trial de novo. A trial de novo is anew trial in which the entire case is presented as if there had been no previous trial. Either party is entitled to trial by jury on timely request and payment of a fee, if required. An appeal of a judgment of a justice court under these rules takes precedence in the county court and may be held at any time after the eighth day after the date the transcript is filed in the county court.

Collection of Judgments

- Should you receive judgment, THIS COURT WILL NOT COLLECT THE JUDGMENT FOR YOU, NOR WILL WE FORCE THE DEFENDANT TO PAY THE JUDGMENT. However, you may request an Abstract of Judgment, Writ of Execution, or Writ of Garnishment to help you in collection of this judgment.
 - **ABSTRACT OF JUDGMENT:** An Abstract of Judgment puts a lien on any real property the defendant may own in a particular county where the Abstract is recorded. The Abstract is only good in the county or counties where it is recorded. This can be obtained 22nd after the date the judgment is signed. The cost of an original Abstract is \$5.00. The Abstract may then be filed in the office of the County Clerk in any County where you may think the Judgment Debtor may own real property.
 - **WRIT OF EXECUTION:** This Writ may be obtained thirty days after the judgment is signed. This document authorizes the Sheriff or Constable to seize any assets belonging to the defendant that are subject to this Writ. Those assets are then auctioned at a public sale and the proceeds are applied to the judgment. The cost of a Writ of Execution varies from County to County, and you may also want to contact the Constable or Sheriff in that

County to discuss what items are considered non-exempt and may be subject to execution.

- **WRIT OF GARNISHMENT:** A Writ of Garnishment is available 30 days after the date of Judgment. This is a new lawsuit and is a complicated procedure. We recommend that you consult an attorney.
- **TURNOVER WRIT:** This process requires a Court hearing. We recommend that you consult an attorney.
- **WRIT OF POSSESSION:** A landlord who prevails in an eviction suit is entitled to a judgment for possession of the premises and a writ of possession.
- **CREDIT REPORTING:** Send a certified copy of judgment to any credit bureau where defendant may seek credit, with all information about defendant (name, address, SS#, DL, DOB, etc). They probably will not list the judgment without this information about the defendant. This will remain on their record for seven years. Call Credit Bureau for further information first.

You may have other remedies available, but they are more complicated and are not covered here. Please consult an attorney for any other remedies you may have to collect your judgment.

SHOULD THE DEFENDANT PAY ANY PORTION OF THE AMOUNT OWED AFTER YOU HAVE RECEIVED A JUDGMENT, IT IS NECESSARY FOR YOU TO NOTIFY THE COURT OF THE CREDIT, OR NOTIFY THE COURT THAT THE JUDGMENT HAS BEEN SATISFIED IN FULL, IF THE DEFENDANT PAYS THE ENTIRE JUDGMENT AMOUNT. IF YOUR ADDRESS CHANGES WITHIN THE TEN YEAR PERIOD FOLLOWING THE JUDGMENT, YOU SHOULD NOTIFY THE COURT OF THE CHANGE.

THESE INSTRUCTIONS ARE A BROAD INTERPRETATION OF THE LAWS THAT APPLY TO THE JUSTICE COURT. ANY LEGAL QUESTIONS OR LEGAL INTERPRETATIONS SHOULD BE BASED UPON YOUR OWN RESEARCH OF THE MATTER OR THE ADVISE OF YOUR ATTORNEY.

A complete set of rules for this Justice Court can be found at
<http://www.co.bastrop.tx.us/ip1/index.php/en/> or

<http://www.supreme.courts.state.tx.us/>

NEW CIVIL FEES AS OF 9-1-2017

DONNA J. THOMSON
JUSTICE OF THE PEACE
PRECINCT ONE
P. O. BOX 336 / 803 PINE ST.
BASTROP, TEXAS 78602
(512) 581-4258 Phone
(512) 581-4254 Fax

THE PLAINTIFF WILL NEED TO PROVIDE TO THE COURT TWO SEPARATE CASHIER'S CHECKS OR MONEY ORDERS FOR FILING AND SERVICE FEES. NO PERSONAL CHECKS OR CASH ACCEPTED.

<u>FILING FEES:</u>	SMALL CLAIMS	\$51.00	WRIT	\$ 5.00
	DEBT CLAIM	\$51.00	ABSTRACT OF JUDGMENT	\$ 5.00
	LAND./TENANT	\$51.00	JURY FEE	\$ 22.00

Filing fees are made payable to the Bastrop County Justice of the Peace Pct. 1.

<u>SERVICE FEES:</u>	SMALL CLAIMS	\$75.00	WRIT OF POSSESSION	\$250.00
	DEBT CLAIMS	\$75.00	WRIT OF EXECUTION	\$250.00
	LAND./TENANT	\$75.00		

Service fees are made payable to the agency serving the citation. Please note that these service fees only apply to Bastrop County. The Service fees are per person per address being served.

IF THERE ARE ANY PROCEDURAL QUESTIONS PLEASE FEEL FREE TO CONTACT THIS OFFICE.



CAUSE NO. _____

PLAINTIFF

v.

DEFENDANT

§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO. 1

Bastrop COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

Defendant(s) address: _____

COMPLAINT: The basis for the claim which entitles Plaintiff to seek relief against Defendant is:

RELIEF: Plaintiff seeks: damages in the amount of \$_____, return of personal property as described as follows (be specific): _____ which has a value of \$_____. Additionally, Plaintiff seeks the following:

SERVICE OF CITATION: Service is requested on Defendant(s) by: personal service at home or work, registered mail, certified mail, return receipt requested. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are:

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my
email _____ address _____ as _____ follows:

Plaintiff's Printed Name

Signature of Plaintiff
or Plaintiff's Attorney

Defendant's Information (if known):

Date of birth: _____
Last three digits of Driver License: _____
Last three digits of Soc. Sec. No.: _____
Phone No.: _____

Address of Plaintiff
or Plaintiff's Attorney

City State Zip

Phone & Fax No. of Plaintiff
or Plaintiff's Attorney

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____

CLERK OF THE JUSTICE COURT OR NOTARY

2-SIDED DOCUMENT

CAUSE #: _____

(PLAINTIFF) § IN THE JUSTICE COURT

VS. § PCT. 1

(DEFENDANT) § BASTROP COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

BEFORE ME, the undersigned authority, on this date personally appeared _____
_____, known to me to be a credible person, and after
being duly sworn upon his oath did depose and say:

"I, _____, Plaintiff in the above-entitled and
numbered cause and am duly authorized to make this affidavit.

Defendant, _____, was not, either at the time of
the institution of this suit, or at any time since, been a member of any military or naval
service in the United States of America insofar as is now or can be determined by affiant."

Further affiant sayeth not.

(signature)

(name)
Affiant

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day _____ to certify
which witness my hand and seal of office.

Notary Public in and for State of Texas
State of Texas

Notary's Name (printed):

My commission expires: _____

Military status must be verified by going online to:
<https://scra-w.dmdc.osd.mil/scra/#/home> OR <https://www.dmdc.osd.mil/scra/#/home>

A PRINT OUT OF THE SEARCH RESULT WILL NEED TO BE PROVIDED WITH THIS NON-MILITARY
AFFIDAVIT TO THE COURT. (PROOF A SAME TO THE COURT). IF NOT PROVIDED, THE CASE WILL BE
DISMISSED.

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: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No: _____ Email: _____ Signature: _____	Plaintiff(s): _____ _____ Defendant(s): _____ _____ [Attach additional page as necessary to list all parties]
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 \$10,000, 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 \$10,000, 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 \$10,000, 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.