

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) _____

In the Justice Court, Precinct 4, Blanco County, Texas

PLAINTIFF _____

VS.

DEFENDANT(S): _____

Defendant(s) contact info: _____

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

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

Additionally, Plaintiff _____
_____.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

_____.

☐ 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: _____.

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

Address of Plaintiff's Attorney, if any, or Plaintiff if none

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

City State Zip

DEFENDANT'S PHONE NUMBER: _____

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

FORM 127 – SERVICEMEMBER'S CIVIL RELIEF ACT

DOCKET NO. _____

CASE NO. _____

AFFIDAVIT
50 USC Sec. 520

Plaintiff being duly sworn on oath deposes* and says that defendant(s) is (are)

(CHECK ONE)

- ☐ not in the military
- ☐ not on active duty in the military and/or
- ☐ not in a foreign country on military service
- ☐ on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003
- ☐ has waived his/her rights under the Servicemembers Civil Act of 2003
- ☐ military status is unknown at this time

PLAINTIFF

(Select the applicable title under the signature for the jurat below)

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

NOTARY / CLERK

☐ Notary Public in and for the State of Texas

☐ Clerk of the Justice Court

SEAL

***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.**

NOTICE TO PERSON
FILING CIVIL OR SMALL CLAIMS ACTIONS & CROSS ACTIONS

The person filing a petition is totally responsible for deciding and stating who to sue and where to serve them. Court personnel do **NOT** take part in that decision. This is the only information you should receive from the Court office about that subject. No other questions will be answered. If you need legal advice beyond this you will have to do your own research or consult an attorney. Assumed name records are kept in each county clerk's office, and corporation records are kept by the Texas Secretary of State in Austin.

If the named defendant (the entity you want to sue) is not a person, but is a "DBA" (ex: "Southside Café"), a partnership (ABC, Inc.) OR SOME OTHER NON-PERSON ENTITY YOU SHOULD SUE THE ENTITY IN THE RIGHT NAME AND SERVE THE RIGHT REPRESENTATIVE OF THAT ENTITY IN ORDERS TO HAVE THEM PROPERLY IN COURT. If you don't do this, you may have your case delayed or dismissed. Meanwhile, the statute of limitations on your claim could expire against the right party if they are not sued in time.

You should avoid suing "everyone" just to make sure you get the right one. By signing a petition, you certify to the court that you have read the petition, and that to the best of your knowledge, information, and belief, formed after reasonable inquiry the petition is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Violation of this requirement can result in contempt of court or other sanctions.

You will be charged a citation and service fee for each and every name (person or non-person) you list as a defendant in the suit, unless they are named only as a registered agent of another defendant. For example:

"John Doe and Mary Smith" – 2 citations

"John and Mary Doe" – 2 citations

"Bill Doe and his father, John Doe" – 2 citations

"Southside Café, John Doe" – 2 citations

"John Doe d.b.a. Southside Café" – 1 citation

"Southside Café, owner John Doe" – 1 citation if you file it as a "d.b.a.", but if you are wrong you may not get a judgment.

"ABC Corporation, John Doe" – 2 citations

"ABC Corporation, John Doe as Registered Agent" – 1 citation

DO NOT try to explain your claim to the clerk and ask who you should sue. You must make the decision. And do not waste too much of your time or the clerk's time explaining all the details of the case. Save that for trial. DO bring 2 extra copies of all documents to the trial (1 for the court and 1 for the other party). If the clerk has to make additional copies during the trial you will be charged for those copies (\$1.00 for 1st page and .25 cents each page thereafter).

THIS FORM MUST BE READ AND SIGNED BY THE FILING PERSON AND PUT IN THE FILE BEFORE THE JUDGE WILL SIGN A CITATION.

Plaintiff's Signature

Plaintiff's PRINTED NAME