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JUSTICE COURT CIVIL CASE FOR MONEY OR PROPERTY

Limit of the Court is \$10,000.00

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

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§

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 _____

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

 Email address

Bar Card # _____

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

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



Justice Court Civil Case Information Sheet

Cause Number (for Clerk use ONLY) _____

STYLED _____

v.

(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 pleadings 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.

<p>1. Contact information for person completing case information sheet:</p> <p>_____</p> <p>Name _____</p> <p>Address _____ Apt/Suite _____</p> <p>City _____ State _____ Zip _____</p> <p>Email _____</p> <p>Telephone _____</p> <p>Fax _____</p> <p>State Bar No. _____</p> <p>Signature _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s):</p> <p>_____</p> <p>_____</p> <p>Defendant(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list ALL parties]</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p>	
<p><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.</p>	<p><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.</p>
<p><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.</p>	<p><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.</p>

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 _____

Plaintiff

Vs. _____

Defendant

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IN THE JUSTICE COURT

GRAYSON COUNTY, TEXAS

PRECINCT 4, PLACE 1

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.