

JASON K. SANDERS  
Justice of the Peace, Precinct 1  
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**INSTRUCTIONS AND INFORMATION FOR FILING**  
**SMALL CLAIM CASES IN JUSTICE COURT**

**PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION**

1. The amount of debtor damages or personal property for which may be sued for in a Justice Court is limited to damages that do not exceed \$10,000.00.
2. In all civil suits, the defendant has the right to be sued in the County and Precinct in which he resides. Below are exceptions to this rule.

However, should there be a motion by a defendant to transfer venue, please be advised that after the motion is made, a hearing shall be set 45 days after motion is filed.

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, of which there are typically three:
  - A. Personally: Where an individual is responsible to you for damage he may have caused you as an individual.
  - B. Proprietor or Partnership: A business that is not incorporated but does have on file with the County Clerk, an assumed name, e.g. John Smith DBA Greenhouse Supplies. It is also possible an incorporated entity to have an assumed name, e.g. Greenhouse, Inc. 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 service on behalf of the corporation. (The authorized agent for service would be listed with the Secretary of State whose phone number is 1-800-252-5555) e.g. Greenhouse, Inc., Serve: John Doe.
4. This court will give you a receipt showing your case number and a phone number so you may call in periodically to determine the progress of your case.
5. PLAINTIFFS AND DEFENDANTS – ALL DOCUMENTS TO PROVE YOUR CASE:EXHIBITS, PICTURES, DISCOVERY & ETC. MUST FILED NO LATER THAN THE DAY BEFORE YOUR COURT DATE!!!!!! COPIES MUST BE PROVIDED TO THE COURT AND TO THE OPPOSING PARTY!!!!!!
6. When you have completed the petition stating the facts and circumstances of your suit, a citation along with a copy of your petition will be served to defendant notifying him/her that a suit has been filed against him/her in this court.
7. The citation will order the defendant to answer by the end of the 14<sup>th</sup> day after the day the defendant was served with the citation and petition. If he/she fails to do so, you then become eligible for a default judgment up until the time the answer is filed.

8. If the defendant answers the suit, this court will notify both parties by mail as to the trial date. The trial date will be approximately 45 days from the date the defendant answered the suit. We discourage motion for continuance. However, **ANY REQUESTS FOR CONTINUANCE MUST BE IN PROPER FORM AND IN A TIMELY MANNER.** File motions at least 5 working days prior to the trial date: to wit: written request supported by an affidavit:

**YOU MUST PROVIDE US WITH YOUR DAYTIME AND HOME PHONE NUMBER AND ANY CHANGES IN YOUR ADDRESS OR TELEPHONE NUMBERS.**

9. If you have witnesses to your suit who will not come to court voluntarily, you may ask this court to subpoena those individuals prior to trial. Allow at least two weeks for service of a subpoena.

NOTORIZED STATEMENTS FROM INDIVIDUALS ARE OF LITTLE VALUE.  
Personal appearance and testimony is much more beneficial.

10. With respect to the trial itself, all legal rules of evidence and procedure apply in Justice Court Suits. With that statement, I suggest that if one party has an attorney, their other party may be well advised to secure one. However, the legislative intent relative to the creation of this court was not only to be one in law, but also to be one in equity. Therefore, the Court will assure both the plaintiff and the defendant that all facts will be solicited and decision rendered to the evidence which is present in court. Corporations may be represented by an employee, owner, officer or partner of the entity who is not an attorney; or a representation by an attorney.
11. This court does not collect the judgment for you, nor can we force the defendant to pay the judgment. If you receive a judgment for your claim against the defendant, you may request an Abstract of Judgment and/or Writ of Execution to help you in your collection of this judgment. An Abstract of Judgment may put a lien on any real property the defendant may own in a particular county where the Abstract is recorded. This can be obtained the same day the judgment has been signed.

**THE WRIT OF EXECUTION** may be obtained thirty days after the judgment has been 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 those proceeds are applied to the judgment.

A **WRIT OF GARNISHMENT** is also available thirty days after a final judgment has been entered. This Garnishment proceeding is a separate suit wherein you are the plaintiff and the defendant's bank becomes the defendant. You are actually suing the bank in which the original defendant has his/her bank account. You are warning the said bank to freeze the monetary assets of his/her bank account and to appear and make answer to the garnishment suit. An attorney, in my opinion, is required.

12. Please understand that as a 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 which the defendant is sued. All damages and evidence necessary to meet your burden should all be available **AT THE TIME OF FILING OR NO LATER THAN THE DAY BEFORE THE TRIAL.**

If you have any other procedural questions, please contact our office and we will try to answer them.

## NOTE

**DO NOT ASK TO SPEAK TO THE JUDGE.** The judge cannot listen to any portion of your case and then actually hear the case upon trial. Any question should be directed to the clerks and if there is a problem, this will be addressed to the Judge by the clerks. **ANY LEGAL QUESTION MAY NOT BE ANSWERED BY THIS COURT.**

### **SCHEDULE OF FEES FOR JUSTICE COURT CASES**

#### **Filing Fees IF the Defendant lives in Matagorda County:**

Filing Fee	\$ 46.00
***Service Fee	\$ 75.00
<hr/>	
Total	\$ 121.00

\*\*\*If the Defendant lives **OUT** of Matagorda County the above Service Fee may differ in another county. Please contact the Sheriff's office in that county and ask for the following information: **Who will serve a Civil Citation from Matagorda County? Get the Constable's, or whoever will serve the citation: Name, Address and Phone. Be sure and ask how much they charge to serve a Civil Citation.**

#### **Other fees that may apply to Justice Court Cases:**

Jury Fee	\$ 22.00
Subpoena	\$ 75.00
Abstract of Judgment	\$ 5.00
Writ of Execution	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Garnishment	\$130.00 in Matag. Co. (Srv \$125/JPFee \$5)
Writ of Possession	\$130.00 in Matag. Co. (Srv \$125/JPF33 \$5)
Appeal Transcript Fee	\$ 10.00

**Out of County Writs:** \$5.00 Writ fee to JP1. The clerk will prepare the Writ and then contact the Plaintiff to hire a person qualified to serve the Writ.

#### **Payments accepted:**

Cash (exact amount)

Money Order (exact amount)

Credit Card **in person, by phone, or online:**

[www.certifiedpayments.net](http://www.certifiedpayments.net) | 1-866-539-2020

Provide the Bureau Code: 7438995

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

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IN THE JUSTICE COURT

v.

PRECINCT NO. 1

\_\_\_\_\_  
DEFENDANT

MATAGORDA 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: \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff or Plaintiff's Attorney

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone No. of Plaintiff or Plaintiff's Attorney

**SUBSCRIBED AND SWORN** to be before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

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IN THE JUSTICE COURT

PRECINCT NO. 1

MATAGORDA COUNTY, TEXAS

**NON-MILITARY AFFIDAVIT**

STATE OF TEXAS  
COUNTY OF MATAGORDA

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, being by me duly sworn, on oath stated:

“I am the Plaintiff/Attorney for Plaintiff in the above – entitled and numbered cause. I am capable to making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. (<https://scra.dmdc.osd.mil>)”

\_\_\_\_\_, Defendant, is not in the military.

\_\_\_\_\_  
Plaintiff's Signature

SUBSCRIBED AND SWORN to be before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Exp. Comm. \_\_\_\_\_