

Debt Claim Suit

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 \$10,000.00, 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.

You are responsible for suing the correct party in their correct capacity. Nothing within this section should be construed as legal advice. Court costs in the amount of **\$121.00** are due at the time of filing (does not include Constable service fee of **\$75.00** per defendant).

Once you have filed the petition stating the facts and circumstances of your suit, a citation will be served to the defendant(s) notifying them of the fact that suit has been filed against them in this court.

The citation will order the defendant(s) to answer this suit by the end of the 15th day from the receipt of the citation. If they fail to do so, you then become eligible for a default judgment. The judge may enter a default judgment without a hearing if the plaintiff submits sufficient written evidence of its damages and should do so to avoid undue expense and delay. Otherwise, the plaintiff may request a default judgment hearing at which the plaintiff must appear in person and prove up damages.

If the defendant(s) answers the suit, this court will set your case for Trial, and will notify both parties by mail. Any request for a continuance must be in proper written form and timely filed.

Should you receive judgment, the court does not collect the judgment. However, you may request an Abstract of Judgment and/or Writ of Execution to help you in collection of this judgment.

If you have any other procedural questions, please call our office at (979) 843-5601. Court personnel are strictly prohibited from answering any legal questions. More information about Abstracts and Writs may be found at the law library or the internet site referred to earlier in this section, or by consulting an attorney.

CASE NO. _____

(PLAINTIFF)

§

JUSTICE OF THE PEACE

VS.

§

PRECINCT FOUR

(DEFENDANT)

§

MATAGORDA COUNTY, TEXAS

ORIGINAL PETITION DEBT CLAIMS

Plaintiff Name: _____

Phone Number: _____

Address: _____

Defendant Name: _____

Phone Number: _____

Address: _____

(if known): Date of Birth _____ Numbers of Driver License _____ Last 3 Numbers of Social Security _____

Defendant may be served at: address above / other: _____

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

Relief Requested: Plaintiff seeks damages in the amount of \$ _____.

ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):

Account/Credit Card Name: _____ Account Number (may be masked): _____

Date of Issue/Origination: _____ Date of Charge-Off/Breach: _____ Amount Owed \$ _____ as of _____

ADDITIONAL INFORMATION (CASE BASED ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN):

Date: _____, Amount of Original Loan, \$ _____ Repayment Accelerated? Y/N Final Payment Date: _____

Amount Due on Final Payment Date \$ _____ Amount Due: \$ _____ as of _____

ONGOING INTEREST: Plaintiff does, or does not seek ongoing interest. If so, this interest is based on the following contractual/statutory reason: _____ and should be at _____ % \$ _____ of interest was due as of _____.

ASSIGNMENT OF CLAIM: Plaintiff was, or was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____, subsequent holders were _____, and the date the case was assigned/transferred to plaintiff was _____.

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: _____.

Signature of Plaintiff Agent Attorney

Printed Name of Plaintiff Agent Attorney
Address / Phone Number (if different from above):

Court notices, correspondence, and phone calls to be directed to Plaintiff Agent Attorney.

CAUSE NO. _____

_____, Plaintiff

In the Justice Court

vs.

Precinct Four, Place One

_____ ET AL, Defendant

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.

_____, Defendant, is not in the military.

_____, Plaintiff

Signed and sworn to this the ___ day of _____, _____.

Notary Public
Exp. Comm. _____

Or

Court Clerk/Justice of the Peace
Precinct Four, Place One
Matagorda County, Texas