

Mark Finlay
Justice of the Peace, Precinct 4
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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 \$20,000.
2. 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 (read the Self-Help Legal Information Packet for the types of claims).
3. **PLAINTIFFS AND DEFENDANTS – ALL DOCUMENTS TO PROVE YOUR CASE: EXHIBITS, PICTURES, DISCOVERY & ETC. MUST BE FILED NO LATER THAN THE DAY BEFORE YOUR COURT DATE!!!!!! COPIES MUST BE PROVIDED TO THE COURT AND TO THE OPPOSING PARTY!!!!!!**
4. 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. The citation will order the defendant to answer by the end of the 14th 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.
5. 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. However, **ANY REQUESTS FOR CONTINUANCE MUST BE IN PROPER FORM AND IN A TIMELY MANNER.** File motions at least 24 hours prior to the trial date: written request supported by an affidavit.
6. 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.

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	\$ 54.00
***Service Fee	\$ 75.00
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Total	\$ 129.00

***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/JPFee \$5)
Appeal Transcript Fee	\$ 10.00

Out of County Writs: \$5.00 Writ fee to JP4. 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 | 1-866-539-2020

Provide the Bureau Code: 4597212

CAUSE NO. _____

PLAINTIFF

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IN THE JUSTICE COURT

v.

PRECINCT NO. 4

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. 4

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. _____