

## **SMALL CLAIMS & JUSTICE CIVIL INFORMATION SHEET**

**\*\*\*PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION\*\*\***

The amount of money for which you may sue in Justice and Small Claims Court is limited to \$10,000. You may sue for money only in Small Claims Court. Suit for money or other item may be filed in Justice Civil Court.

1. In all civil suits, the defendant has the right to be sued in the county or precinct in which he resides. You **MUST** have a physical address (not just a post office box) for the defendant in order for him to be served.
2. In order for any potential judgment you may receive to be valid, it is necessary that you sue the defendant in his/her/their legal capacity as listed below:
  - **Personally** – An individual is responsible to you for damage he may have caused you as an individual. (e.g. John Doe)
  - **Proprietor or Partnership** – A business that is not incorporated, but does have on file with the County Clerk as assumed name. (e.g. John Doe dba Greenhouse Supplies)
  - **Corporation** – The business which is allegedly caused you damage is incorporated, and therefore it is necessary to know the individual's name who is authorized to accept service on behalf of the corporation. You may obtain the name of the authorized agent for service from the Secretary of State at 1-800-252-1386. (e.g. Greenhouse Inc. dba Greenhouse Supplies Serve: John Doe)
3. If, as a plaintiff, you are in the business of loaning money either primarily (banks, credit unions, savings & loans) or secondarily (credit cards), you are not allowed to file in Small Claims Court, but must file in Justice Civil Court. An attorney is permitted, but **not** required.
4. Once you have filed a suit, the Court will give you a receipt showing your cause (case) number and the office phone number so that you may call in periodically to determine the progress of your case. **It is of utmost importance that you refer to your case number when calling or transacting business with the Court.**
5. When you have completed the petition stating the facts and circumstances of your suit, a citation along with a copy of the petition will be served to the defendant notifying him that a suit has been filed against him in this Court. The citation will order the defendant to appear in this Court to file a written answer to the suit on or before the Monday following the tenth day after his receipt of the citation, unless the Monday falls on a holiday. If he fails to do so, you then become eligible for a default judgment up until the time an answer is filed and a trial date is set.
6. If the defendant answers the suit, a trial date will be set. The plaintiff and the defendant will be sent notice by mail of the court date. We discourage motions for continuance, however, if it becomes necessary, any request for a continuance must be in writing and timely filed. (At least 5 working days prior to trial date or as soon as the need for continuance is known.)
7. If you have witnesses to your suit who will not come to Court voluntarily you may ask the Court to subpoena those individuals prior to trial. This request should be made as soon as possible allowing for service of subpoena. There is a fee for the service of subpoena.
8. A Small Claims suit does not require hiring an attorney; however, you are free to do so if you wish.
9. **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 Judgment** and/or a **Writ of Execution** to help you in your collection of this judgment. There are other post judgment remedies available, but these two are the most common. An abstract puts a cloud on the title to any real property the defendant may own in the county where the abstract is filed. Abstracts may be filed in more than one county. This can be obtained ten (10) days after the judgment is signed. A **Writ of Execution** may be obtained thirty (30) days after the judgment is signed. This document authorizes the Constable or Sheriff to seize any non-exempt assets belonging to the defendant. Those assets are then sold, and the proceeds are applied to the judgment.

10. As a plaintiff, you have the burden of proof to show by the weight of the evidence that the defendant is the cause of your damages in the capacity, which the defendant was sued. All damages and evidence necessary to meet your burden should be available at the time of trial.
11. If you have any other procedural questions, please call and we will try to assist you, although **THIS COURT MAY NOT ANSWER ANY LEGAL QUESTIONS.**
12. It is imperative that you provide us with your daytime phone number and notify us immediately of any changes in your number or address.

Judge Jeff Cox  
Justice of the Peace, Pct. 1  
P.O. Box 219  
Hemphill, Texas 75948  
(409)787-3719  
(409)787-3025 FAX#

Judge James Brasher  
Justice of the Peace, Pct. 2  
P.O. Box 147  
Pineland, Texas 75968  
(409)584-2211  
(409)584-2212 FAX#

**SMALL CLAIMS AND JUSTICE CIVIL FILING FEE FOR SABINE COUNTY IS \$106.00**

**(ASK CLERK FOR OUT OF COUNTY FEES)**