Justice Court Petition

NO. _____

_____	§	In the Justice Court of
_____	§	Harris County, Texas
_____	§	Precinct _____ Place _____
Plaintiff(s)	§	
vs.	§	_____
_____	§	_____
_____	§	_____
Defendant(s)	§	

Plaintiff: _____

Address: _____

_____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax Number: _____

Describe the legal nature of the plaintiff *(e.g., individual, sole proprietorship, partnership, corporation)*

_____

Defendant: _____

Address: _____

City: _____ State: _____ Zip: _____ Date of Birth *(if applicable)*:_____

Describe the legal nature of the defendant *(e.g., individual, sole proprietorship, partnership, corporation)*

_____

Defendant may be served by serving _____
(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

_____
(state the address for service of process).

Cause of Action
(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. Include information showing that venue is proper in the Justice of the Peace Precinct in which you are filing.

_____

_____

_____

_____

_____

Relief Requested *(Describe the relief you are requesting, itemizing the amount of damages you are seeking.)*

_____

_____

_____

Respectfully submitted,

_____ *Signature of Plaintiff*

SUBSCRIBED and SWORN TO BEFORE ME on _____.

_____ _____

Clerk of the Court Justice of the Peace, Precinct ____, Place _____

Justice Court Petition

Service of Citation

*Service of Process: No judgment may be rendered against a defendant unless the defendant has been properly served with process. Defendants may be natural persons, individuals, or persons doing business in the form of sole proprietorships, or partnerships, or corporations. Any individual doing business under an assumed name, or any business operating in the form of a partnership or corporation, may sue or be sued in the business name, but service of process must be properly accomplished.

Service of process directed to individuals is effected by delivery directly to the person. Service of process on business entities is more difficult and must be accomplished by service on an agent or person authorized to accept service.

For example, if a defendant is a partnership, the citation may be directed to one member of the partnership, and service effected on that one member authorizes a judgment against the partnership and the partner actually served. See *Section 17.022, Texas Civil Practice and Remedies Code.*

If several partners are jointly indebted under a contract and the citation has been served on at least one but not all of the partners, judgment may be rendered only against the partnership and against the partners who were actually served. No personal judgment or execution may be had against any partner who was not served. See *Section 31.003, Texas Civil Practice and Remedies Code.*

If the defendant is a limited partnership, each general partner and the registered agent of a limited partnership may be served with citation in order to effect service of process. See *Section 1.08 of the Texas Limited Partnership Act, Art. 6132a-1, Texas Civil Statutes.*

If the defendant is a corporation, citation may be served by serving the corporation's president or any vice-president, or the corporation's registered agent. If the corporation's registered agent cannot be found at the corporation's registered office, then service of process may be made on the Secretary of State. See *Art. 2.11, Texas Business Corporation Act.*

If the defendant is a limited liability company, the manager, if any, and the registered agent shall be agents upon whom citation may be served. See *Art. 2.08 of the Texas Limited Liability Company Act, Art. 1528n, Texas Civil Statutes.*

To determine the exact legal nature of a business entity, the plaintiff may look at the Assumed Name Records maintained by the County Clerk, or contact the Corporation Division of the Office of the Secretary of State, or the Office of the State Comptroller.

Military Status Affidavit

Case No. _____ § In the Justice Court of

_____ § Harris County, Texas
Plaintiff §

vs. §

_____ § Precinct _____, Place _____
Defendant

BEFORE ME, the undersigned authority, 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.

_____ _____
Plaintiff Attorney of Record for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

_____
NOTARY PUBLIC, State of Texas

Certificate of Last Known Mailing Address

The undersigned certifies that the last known mailing address of the Defendant against whom judgment is taken in this proceeding is:

Defendant's Name: _____

Defendant's Address: _____

_____

_____ _____

Plaintiff Attorney of Record for Plaintiff

This document is required to be filed when a judgment is taken by default so that the Court may notify the defendant of the entry of the default judgment.

The Servicemembers Civil Relief Act, 50 U.S.C. App. 501 *et seq*, passed December 19, 2003, requires the plaintiff in any civil proceeding in which the defendant does not make an appearance 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.

PENALTY FOR MAKING OR USING A FALSE AFFIDAVIT: A person who makes or uses a military status affidavit, or statement, declaration, verification, or certificate, knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year, or both.

Costs for an attorney ad litem may be assessed against the plaintiff as costs of court unless otherwise ordered by the court.

Request for Continuance (Civil Cases)

Case No. _____	§	In the Justice Court of
_____	§	Harris County, Texas
Plaintiff	§	
vs.	§	
_____	§	Precinct _____, Place _____
Defendant	§	

Now Comes _____, who is the _____ *(indicate "Plaintiff" or "Defendant")*, asks the Court to postpone the trial in this case because *(state the reason establishing good cause for a postponement of the trial)*:

_____

_____

_____

Respectfully submitted,

_____

Printed Name: _____

Address: _____

Telephone Number: _____

Civil Case Appeal Bond (Surety)

Case Number: _____

Plaintiff: _____

Defendant: _____

Date of Judgment: _____

Judgment in Favor of: _____

Judgment Against: _____

Amount of Damages: $_____ Prejudgment Interest: _____% from _____ to _____

Attorney's Fees: $_____ Court Costs: $_____

Post-Judgment Interest: _____ % from date of Judgment until paid.

Other: _____

Appeal by Defendant:

To appeal the Judgment, _____, Appellant, and _____, and _____, as Sureties, acknowledge themselves firmly bound to _____, Appellee, in double the amount of the Judgment, calculated as $_____.

The conditions of this obligation are that the Defendant-Appellant shall prosecute this appeal to effect, and shall pay off and satisfy the judgment which may be rendered against Defendant-Appellant on appeal, provided the sureties will not be liable in an amount greater than the amount of the bond.

Appeal by Plaintiff:

To appeal the Judgment, _____, Appellant, and _____, and _____, as Sureties, acknowledge themselves firmly bound to _____, Appellee, in double the amount of the costs incurred in the justice court and estimated costs in the county court, less such sums as may have been paid by the plaintiff on the costs, calculated as $_____. The conditions of this obligation are that the Plaintiff-Appellant shall prosecute this appeal to effect and shall pay off and satisfy such costs if judgment for costs be rendered against Plaintiff-Appellant on appeal, provided the sureties will not be liable in an amount greater than the amount of the bond.

Notice of the filing of this Bond will be given to all parties to the suit within five (5) days following the filing of the bond.

_____
Signature of Appellant

_____

_____
Mailing Address

Date of Birth: _____ TDL: _____

_____
Signature of Surety

_____

_____
Mailing Address

_____
Signature of Surety

_____

_____
Mailing Address

Affidavit of Inability to Pay Costs for Appeal

Case No. _____	§	In the Justice Court of
_____	§	Harris County, Texas
Plaintiff	§	
vs.	§	
_____	§	Precinct _____, Place _____
Defendant	§	

My name is _____. I unable to pay the costs of appeal or to file an appeal bond in order to appeal the Judgment entered on _____.

In order to appeal this proceeding, I am giving the following information under oath:
I am unable to pay the court costs. I verify that the statements made in this Affidavit are true and correct.

Identity

Full Name:	
Address:	City, State, and Zip Code
Home Telephone:	Cellular Phone:
Former Address:	
Date of Birth:	Place of Birth:
Employer:	
Employment Address:	
Work Telephone:	Job Title or Duties:
Supervisor's Name:	

Spouse's Name:	
Spouse's Address:	City, State, and Zip Code
Spouse's Home Telephone:	Spouse's Cellular Phone:
Spouse's Employer:	
Spouse's Employment Address:	
Spouse's Work Telephone:	Spouse's Supervisor's Name:

Income

Monthly earnings:	
Other income: Description:	Amount:

Spouse's Income

Spouse's monthly earnings:	
Other income: Description:	Amount:

Government Entitlement Income

Unemployment Benefits	*Benefit Amount*
AFDC:	
Social Security:	
Disability:	
Veteran's Benefits:	
Child Support:	

Other Entitlement Benefits:	Amount:

All Other Income

Description:	Amount:

Accounts in Financial Institutions

Checking Accounts: Financial Institution:	Account Number:	Current Balance:
Saving Accounts: Financial Institution:	Account Number:	Current Balance:

Real Property Owned other than Homestead

Description:	Address:	Value:

Personal Property *(other than household furnishings, clothes, tools of a trade, or personal effects)*

Description:	Value:

Debts

Description:	Total Due:	Monthly Payment:

Monthly Expenses *(for example, food, transportation, child care, health care, etc.)*

Description:	Amount:

Dependants

Name:	Address:	Age:	Relationship:

Date Completed

Signature

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, who upon oath, stated that he/she is making this Affidavit and that the information provided is true and correct.

SWORN TO AND SUBSCRIBED before me on _____.

_____
NOTARY PUBLIC, State of Texas

Note: A person determined by the Court to be indigent may appeal a Small Claims Judgment by filing an Affidavit with the Justice of the Peace, stating the inability to pay costs. The Affidavit must be filed within five (5) days from the date of the judgment. Notice must be given to the other party of the filing of the affidavit. The affidavit of inability to pay must satisfy the requirements of Texas Rules of Civil Procedure, Rule 145. Rule 145 requires that the affidavit contain complete information as to the party's identity, nature and amount of governmental entitlement income, nature and amount of employment income, other income (interest, dividends, etc.), spouse's income if available to the party, property owned (other than homestead), cash or checking account, dependents, debts, and monthly expenses. The affidavit must also state that the party is unable to pay the court costs, and that the statements made in the affidavit are true and correct. The affidavit must be sworn before a notary public.