

DEBT CLAIM CASES

The Rules of Civil Procedure and Rules of Evidence DO NOT APPLY to DEBT CASES unless specifically references in Rules 500-508. For those filing DEBT CLAIM cases, be aware that the 500-507 series of rules can be located at the link listed below. It is essential they be read if you are planning to file a DEBT CLAIM case.

Link to New Rules of Civil Procedure:
<http://brazoscountytexas.gov/index.aspx?NID=136>

The makers of the new rules indicated that they were written with specific intent to eliminate "legal trap doors" for pro se litigants. As an example, in a situation where a case is filed as a suit on sworn account, and answer is filed but not verified, the plaintiff can no longer seek a Judgment under Rule 93.

Note also that imbedded omission are no longer allowed and will be stricken, and parties who continue to file petitions with imbedded omissions after being made aware of the changes in the law may face sanctions. All discovery must be approved by the court (SEE rule 500.9).

Every Civil Suit must include these documents (included in this packet):

- Sworn Petition for a Debt Claim Lawsuit
- Service Members Civil Relief Affidavit
- Certificate of Last Known Address
- Civil Process Additional Information Sheet

**THIS OFFICE MAY NOT GIVE ANY
LEGAL ADVICE**

CAUSE NO. _____

Plaintiff § IN THE JUSTICE COURT
VS. § PRECINCT ___ PLACE ___

Defendant(s) § BRAZOS COUNTY, TEXAS

SWORN PETITION FOR A DEBT CLAIM LAWSUIT

I hereby state that I am filing a Debt Claim lawsuit: *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 \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.*

I, PLAINTIFF: _____ dba under
FIRM: _____ (individually, partnership, or corporation)
Whose address is: _____ (street, city, ZIP).
Phone numbers :(home), _____ (business), _____ (cell) _____;
HEREINAFTER called Plaintiff, being duly sworn, on my oath say that:

DEFENDANT: _____
Whose address is: _____ (street, city, ZIP).
Employed by: _____ (street, city, ZIP)
Phone numbers: (home), _____ (business), _____ (cell) _____.
IS JUSTLY INDEBTED TO THE PLAINTIFF IN THE SUM OF: \$ _____ . _____ plus Court Costs.

CREDIT ACCOUNTS: Account Name or Credit Card Name: _____ Account No. _____
Date of Issue or Origination of Account: _____ Date of Charge-off or Breach of Account: _____
PERSONAL/BUSINESS LOAN: Date & Original Loan Amount: _____ Repayment Accelerated: _____
Final payment of \$ _____ Due Date: _____ Effective Interest Rate: _____ %
ASSIGNED DEBT: Debt Claim Assigned or Transferred To: _____ Date: _____
Amount Owed as of Certain Date: _____ **Ongoing Interest: YES or NO. Amount:** _____

SERVICE OF CITATION: Service is requested on Defendant(s) by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other service of papers address/addresses (if knows) are:

REQUEST FOR JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and that Plaintiff have judgment against Defendant(s) for: the amount or items above, attorney's fees, court costs, and interest on the above sums at the statutory rate for judgments. **I consent for the answer and any other motions or pleadings to be sent to my email address which is:** _____.

Date signed: _____
DEFENDANT(S) INFORMATION (if known): _____ Plaintiff's Signature
DATE OF BIRTH: _____
*LAST 3 NUMBERS OF DRIVER LICENSE: _____
*LAST 3 NUMBERS OF SOCIAL SECURITY: _____
DEFENDANT'S PHONE NUMBER: _____

Sworn to and subscribed before me this _____ day of _____, 20____. _____
JP Debt Claim Petition. Rev.08/2013 CLERK OF THE JUSTICE COURT OR NOTARY

Cause No. _____

In the Justice Court, Precinct Two, County of Brazos, Texas

vs.

Plaintiff(s)

Defendant(s)

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me the undersigned notary or clerk of the justice court, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury (fine and/or up to one year in jail), stated the following:

My name is *(please print)* _____

I am *(check one)* the plaintiff or an authorized agent of the plaintiff in the case described at the top of this page.

I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

(check or fill in as applicable)

1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines, or Coast Guard). The facts on which I base my conclusion are as follows:

2. Defendant *[insert name(s)]* _____ is on active duty in the U.S. military.
3. Defendant *[insert name(s)]* _____ has been deployed by the U.S. military to a foreign country.
4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is with the U.S. military-except for any defendant named in paragraph 2 above.
5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country-except for any defendant named in paragraph 3 above.
6. Defendant *[insert name(s)]* _____ has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

Signature of affiant

SWORN TO and SUBSCRIBED before me by _____ on the _____ day of _____, 20_____.

(check one)

- Notary Public for the State of Texas or
 Clerk of the Justice Court

Cause _____

Plaintiff

Vs

Defendant

In the Justice Court

Precinct Two

Brazos County, Texas

Certificate of Last Known Mailing Address

The undersigned, _____, does hereby certify that the last known address of Defendant, _____, is as follows:

Signature

Sworn to and subscribed before me on the ____ day of _____, 20____.

Notary Public



Donald Lampo

Brazos County Constable Pct. 2



Civil Process Additional Information

Cause #

In order to expedite service and for the safety of our Deputies, we ask that you answer the following questions to the best of your ability.

1. Have you witnessed any "abnormal" behavior?
2. Have you known, or known of, the Respondent being violent with anyone?
3. Have you been verbally or physically assaulted by the Respondent?
4. Known of an occasion where the Respondent has, or brandishes a weapon of any kind? (Please note if the weapon was a firearm, knife, or club or some other weapon.)
5. Does respondent have any dogs known to be aggressive?
6. Are you aware of any mental or emotional issues that the Respondent may have?
7. Are you aware of any police related calls regarding the Respondent?
8. Are there any other issues you think might be important for the Deputies to know?