



PRECINCT 1, PLACE 2
(409)835-8457
(409)839-2393 FAX

1001 PEARL ST., RM 104
BEAUMONT, TEXAS 77701

NANCY BEAULIEU
JUSTICE OF THE PEACE

Filing a Small Claims Suit

Small claims cases are governed by Rules 500-507 of Part V of the Rules of Civil Procedure.

The complete set of rules can be found at :

<http://www.supreme.courts.state.tx.us/MiscDocket/13/13904900.pdf>

Venue

Generally, suit should be filed in the county and precinct where the defendant(s) reside; or the county and precinct where the incident, or the majority of incidents, that gave rise to the claim occurred; or the county and precinct where the contract or agreement, if any, that gave rise to the claim was to be performed; or the county and precinct where the property is located, in a suit to recover personal property. However, there are many exceptions to this rule.

Jurisdiction

Small Claims Case. A small claims case is a lawsuit brought for the recovery of money, damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Small claims cases are governed by Rules 500-507 of Part V of the Rules of Civil Procedure.

An action in Small Claims Court may not be brought by:

1. An assignee of the claim or other person seeking to bring an action on an assigned claim;
2. a person primarily engaged in the business of lending at interest; or
3. a collection agency or agent.

Filing Suit

A small claim form along with a civil information form must be filled out to file a case.

The responsibility for filling out your petition rests with you, the plaintiff. Court clerks will assist you if you have procedural questions. The responsibility for filling out your petition rests with you, the plaintiff. Court clerks will assist you if you have procedural questions. The filing fee is forty-six dollars (\$46.00).

Citation

There will be a citation prepared and given back to you for you to choose the method of service. There is a fee for serving the defendant. Please see the attached list of service options. If the service is outside of Jefferson County, you must contact the Sheriff or Constable for that county for information on where to send the paper and how much their service fee is. After the citation is served,

if the citation is sent back to you, you MUST bring or mail the citation into this office. Some agencies will return the citation to our office, you need to call the agency you chose for service after three weeks to check on service. Once we receive the citation (from either you or the agency), we will pull your case, wait the appropriate amount of time for the answer, then set the case for court.

Answer

The defendant in your suit is commanded to answer the Court, in writing on the 14th day after the day the defendant was served with the citation and petition.

Representation

As an individual, you may represent yourself or have an attorney represent you in a Small Claims suit.

Default Judgments

RULE 503.1. IF DEFENDANT FAILS TO ANSWER

Default Judgment. If the defendant fails to file an answer by the date stated in Rule 502.5, the judge must ensure that service was proper, and may hold a hearing for this purpose. If it is determined that service was proper, the judge must render a default judgment in the following manner:

(1) Claim Based on Written Document. If the claim is based on a written document signed by the defendant, and a copy of the document has been filed with the court and served on the defendant, along with a sworn statement from the plaintiff that this is a true and accurate copy of the document and the relief sought is owed, and all payments, offsets or credits due to the defendant have been accounted for, the judge must render judgment for the plaintiff in the requested amount, without any necessity for a hearing. The plaintiff's attorney may also submit affidavits supporting an award of attorney fees to which the plaintiff is entitled, if any.

(2) Other Cases. Except as provided in (1), a plaintiff who seeks a default judgment against a defendant must request a hearing, orally or in writing. The plaintiff must appear at the hearing and provide evidence of its damages. If the plaintiff proves its damages, the judge must render judgment for the plaintiff in the amount proven. If the plaintiff is unable to prove its damages, the judge must render judgment in favor of the defendant. With the permission of the court, a party may appear at a hearing by means of telephone or an electronic communication system.

See subchapter b, c, & d for more details

Trial by Judge or Jury

RULE 503.3. SETTINGS AND NOTICE; POSTPONING TRIAL

(a) Settings and Notice. After the defendant answers, the case will be set on a trial docket at the discretion of the judge. The court must send a notice of the date, time, and place of this setting to all parties at their address of record no less than 45 days before the setting date, unless the judge determines that an earlier setting is required in the interest of justice. Reasonable notice of all subsequent settings must be sent to all parties at their addresses of record.

(b) Postponing Trial. A party may file a motion requesting that the trial be postponed. The motion must state why a postponement is necessary. The judge, for good cause, may postpone any trial for a reasonable time

Post Judgment Remedies

This court does not collect the judgment for you nor can we force the defendant to pay the judgment.

If you receive a judgment against the defendant and if the defendant does not make a motion for new trial within fourteen days or appeal the case within twenty-one days after the court date, your remedies to collect your money are as follows:

Abstract of Judgment – You may obtain an abstract of judgment on the eleventh day after judgment. The fee for obtaining an abstract of judgment is five dollars (\$5.00). You should then take the abstract to the County Clerk's office in the Jefferson County courthouse in order to file the judgment in Jefferson County. The purpose of filing an abstract of judgment is to put a lien against any real property in the defendant's name. If the defendant sells any real property (land, building, etc.) within 10 years from the date of judgment, the amount of judgment must be paid plus interest. It is the plaintiff's responsibility to notify the court once the judgment has been satisfied, the court will direct the plaintiff with further action.

Writ of Execution – If you are granted a judgment against the defendant and if the defendant does not appeal within (10) days after the court date, you may obtain and file a Writ of Execution any time after the 30th day from the date of judgment. A Writ of Execution allows a Sheriff or Constable in the State of Texas to try and seize certain non-exempt property from the defendant. If property is seized, an auction is held and the proceeds for the sale satisfy the judgment. The cost for filing a Writ of Execution upon a defendant who resides in Jefferson County is one hundred fifty-five dollars (\$155.00).

You may have other remedies available but they are more complicated and are not covered here. Please consult an attorney for any other remedies you may have to collect your judgment.

Should the defendant pay any portion of the amount owed after you have received a judgment, it is necessary for you to notify the court of the credit or notify the court that the judgment has been satisfied in full if the defendant pays the entire judgment amount. If your address changes within the ten (10) year period following the judgment, you should notify the court of your new address.

Additional Information:

The defendant in a Small Claims Suit may be served personally by the Constable or Sheriff of the County, or in certain cases by private process. Sometimes, the defendant avoids service; therefore, an alternate method of service is necessary. This method is referred to as "alternate service". The Constable, Sheriff or private process server may request this alternate service which allows him to serve anyone over the age of sixteen at the defendant's usual place of abode, business, or in a method the Judge believes will be reasonable effective to give the defendant notice of the suit.

Suit filed on A Corporation

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 the proper legal capacity.

If the party you want to sue is a corporation, you must find the name of an officer of the corporation before you begin the suit. The Secretary of State Office will give you the information. Ask for the name and address of the Registered Agent, President, or Vice-President of the corporation.

Public Information The Secretary of State maintains a team of public information specialists to provide information from the agency's computer database. Business organization name availability or information about a specific entity may be obtained from the Secretary of State by:

Telephone to Secretary of State:	512-463-5555	No fee
Facsimile:	512-463-5709	\$5.00 per entity
E-Mail:	corpinfo@sos.state.tx.us	No fee
Mail:	Corporations Section Secretary of State P.O. Box 13697 Austin, Texas 78711-3697	\$5.00 per entity
Online Access:	SOSDirect	\$1.00 per search *

* The Secretary of State's computer database may be accessed over the Internet by registering as a user of Secretary of State [SOSDirect](#).

Please note that business organization documents on file with the secretary of state are public record subject to public access and disclosure. When providing address information for persons named in business filings, use a business or post office box address rather than a residence address if privacy concerns are an issue.

When you file the suit, you will be filing against the corporation and serving the citation on one of the above-mentioned officers of the corporation. It is necessary to know the individual's name that is able to accept service on behalf of the corporation. Example: Greenhouse Inc. by serving John Doe. It is also possible for an incorporated entity to have an assumed name. Example: Greenhouse Inc. DBA Greenhouse Supplies by serving John Doe. Follow other instructions for the remainder of the suit.

Suit filed on A Company

If the party you want to sue is an individual doing business under an assumed name (sole proprietor of the business) or a partnership, you must check with the County Clerk's office in the county of the business to determine whom the owner(s) of the business. Example: John Smith DBA (Doing Business As) Greenhouse Supplies.

Individual

Where an individual is personally responsible to you for damages he may have caused to you. You must provide the court with an accurate physical address. If service is attempted and the address is not correct an additional service fee will be required.

Please note once again that if you have additional procedural questions, please contact our office. This office will not answer legal questions.



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1085 PEARL ST., RM 104
BEAUMONT, TEXAS 77701

NANCY BEAULIEU
JUSTICE OF THE PEACE

Jefferson County Constables Charge \$70/defendant for service

Earl White, Const Pct 1
1085 Pearl Street Room 103
Beaumont, TX 77701
Phone: 409-835-8450
Fax: 409-839-2350

Christopher Lynn Bates, Const Pct 2
525 Lakeshore Drive
Port Arthur, TX 77640
Phone: 409-983-8335
Fax: 409-983-8320

James E Trahan, Const Pct 4
19217 Hwy 365
Beaumont, TX 77705
Phone: 409-434-5450
Fax: 409-794-3156

Dana Baker, Const Pct 6
1225 Pearl Street, Suite 101
Beaumont, TX 77701
Phone: 409-839-2339
Fax: 409-839-2390

Jeff Greenway, Const Pct 7
7933 Viterbo Suite 5
Beaumont, TX 77705
Phone: 409-719-5990

Eddie Collins, Const Pct 8
525 Lakeshore Drive
Port Arthur, TX 77640
Phone: 409-983-8311

PROCESS SERVERS

AUTHORIZED PROCESS AND LEGAL SERVICES

604 Park
Beaumont, Texas 77701

BIG TEXAS PROCESS SERVICE

PO BOX 5028
Liberty, Texas 77575

SHAWN BYARS

7922 Shady Lane
Beaumont, Texas
*617-8921 or 782-5819

JOHN DEAN INVESTIGATIONS

409-673-5520

LEGAL DELIVERY SERVICE

409-790-3900

JAMI PEPPPO PROCESS SERVICE

409-866-6278



AUTHORIZED PROCESS AND LEGAL SERVICES, LLC

604 Park, Beaumont, Texas 77701
Phone (409)838-9111 Fax (409)838-5111
www.authorizedprocess.com

**JUSTICE COURT
SERVICE OF PROCESS PRICES**

Jefferson County Process.....	\$55.00
Includes Subpoenas, Citations and Summons. Returns are filed with the court, if local, the same day of service if possible.	
Temporary Restraining Order (TRO).....	\$55.00
Rush Fee.....	\$25.00
(Added to Base Fee/Attempted within the first 24 hours)	
Walk Thrus at Courthouse.....	\$15.00
All Certified Mail Service.....	\$55.00

**All papers will be attempted within 48 hours.
All of our Servers are Supreme Court Approved.
All Jefferson county Returns are filed with the Court after Service is completed.**

Note: Each price is on a Per Paper basis. Depending on the nature of your request the prices may vary.

Big Tex Process Service
Serving Southeast Texas and the Gulf Coast

Ross Giese
Process Server - SCH0000005434

P.O. Box 5028
Liberty, Texas
77575

936-346-1652
bigtexprocessservice@gmail.com



LARRY J. THOMAS



JOHN DEAN INVESTIGATIONS

Texas License A-14477

Private Investigators & Process Servers

LARRY J. THOMAS

Tx. Supreme Ct. No. SCH 000009647

(409) 673-5520 Office

(409) 861-2008 Fax

unc48@aol.com E-Mail

Over 35 Yrs. Law Enforcement Experience

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Out-of-Town Service from City Limit and back: \$0.65 per mi.
Certified Mail Service: \$60.00 per paper plus mailing fee

Doyle B. Jenkins
Legal Delivery Service
409-790-3900

Texas Supreme Court
Certified Process Service

Process Service Fees

HARDIN - JEFFERSON - ORANGE
COUNTY, TEXAS

Justice of The Peace, County & District Courts:

Citation w/ Petition		\$ 60.00
Citation w/ Petition and Writ of Temporary Restraint		\$ 90.00
Citation w/ Petition and Protective Order		\$90.00
Subpoena w/ Witness Fee		\$ 70.00
Summons		\$ 60.00
Notice		\$ 60.00
Immediate Service Attempt	Add	\$ 30.00
Mileage Outside Area - To and From Delivery Address		\$.50 p/mile

Fees Effective 1-1-2012 Subject to Change without Notice

If you do not have an address for the defendant, we have a locate service to find the defendant. Call for price.

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p>	
<p><input type="checkbox"/> Debt Claim: 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, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

PETITION: SMALL CLAIMS CASE

YOU MUST ALSO TURN IN A COMPLETED CIVIL INFORMATION SHEET WITH THIS PETITION

CASE NO. (court use only) _____

In the Justice Court, Precinct 1, PI 2, Jefferson County, Texas

PLAINTIFF _____ Ph# _____

Street _____ City _____ State _____ Zip _____ County _____
VS.

Defendant – Circle One: Individual, DBA, Ind & DBA, Business by serving
Individual _____

Or DBA _____

Or Ind and DBA _____

Or Business/by serving _____

VERY IMPORTANT-your case will be styled as provided above

Defendant Ph# _____

Street _____ City _____ State _____ Zip _____ County _____

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

RELIEF: Plaintiff seeks damages in the amount of \$ _____, and/or 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 defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Please provide a valid email address ONLY if you wish to give your consent for the answer and any other motions or pleadings to be sent to via email. *NOTE: your email will be public record _____

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

Date of Birth: _____

LAST 3 NUMBERS OF DRIVERS LICENSE: _____ LAST 3 NUMBERS OF SOCIAL SECURITY: _____

The above named defendant is:

____ Not in the military service on active duty.

____ Is in the military service on active duty.

____ Military service is unknown at this time.