

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§  
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§  
§  
§  
§

IN THE JUSTICE COURT

PRECINCT \_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**PETITION: SMALL CLAIMS CASE**

**I. DEFENDANT(S) ADDRESS:**

\_\_\_\_\_  
\_\_\_\_\_

**II. COMPLAINT:** Plaintiff files this suit against Defendant based upon the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. SERVICE OF CITATION:** Service is requested on Defendant(s) by:

Personal service at home or work,

Registered mail, or

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: \_\_\_\_\_

- V. **ONGOING INTEREST:** Plaintiff  does or  does not seek ongoing interest. If so: The effective interest rate claimed is \_\_\_\_\_%; this interest rate is based upon  contract  statute and began accruing on \_\_\_\_\_; the dollar amount of interest claimed as of \_\_\_\_\_ is \$\_\_\_\_\_.

VI. **JURY REQUEST**

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Rule 502.3.)

I do not request a jury at this time.

- VII. **SERVICE BY EMAIL** (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.)

Yes, I would like to receive documents related to this case by email at this email address: \_\_\_\_\_

No, I do not want to receive any documents by email.

VIII. **REMOTE PARTICIPATION**

**Hearing by Phone Call:** (When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)

Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.

No, I am not able to have hearings by phone call.

**Hearing by Video Conference:** (When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence

*presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and Internet access needed to participate in a video conference on the date and time of the hearing.

No, I am not able to have hearings by video conference.

*NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney, if any

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

State Bar No.: \_\_\_\_\_  
\_\_\_\_\_

**Instructions:**

The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing to be false, may be fined or imprisoned or both. 50 USC App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/>. This website will provide the current active military status of an individual.

**Military Status Affidavit**

Case No. \_\_\_\_\_

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IN THE JUSTICE COURT

Plaintiff \_\_\_\_\_

JEFFERSON COUNTY, TEXAS

Vs. \_\_\_\_\_

PRECINCT 8

Defendant \_\_\_\_\_

BEFORE ME, 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.

Signed on \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_ Apt. # \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court

\_\_\_\_\_  
Notary Public, State of Texas