



**KELVIN MILES  
JUSTICE OF THE PEACE  
PRECINCT ONE**

# DEBT CLAIM

- **DEBT CLAIM CASE:** 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**, excluding statutory interest and court costs but including attorney fees, if any.

**IMPORTANT NOTICE:**

**APPROPRIATE COURTROOM ATTIRE IS REQUIRED.** All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings. No shorts, tank tops, flip flops, hats, etc. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

Courthouse N.E. Annex, 1020 E. Hwy 199, Springtown, TX 76082  
(682) 229-2107 – civil clerk  
(817) 220-2000- fax  
(682) 229-2106- civil  
jp1@parkercountytx.com

**KELVIN MILES  
JUSTICE OF THE PEACE, PRECINCT ONE**



**PLEASE READ CAREFULLY BEFORE FILING PETITION**

**FOR INFORMATION ON THE RULES OF PRACTICE IN JUSTICE COURTS, PLEASE CONSULT PART V OF THE TEXAS RULES OF CIVIL PROCEDURE, WHICH IS AVAILABLE ONLINE AND AT EACH COURT.**

***THE FOLLOWING INFORMATION IS FURNISHED TO YOU AS A COURTESY OF THE JUSTICE OF THE PEACE OFFICE. THE COURT CANNOT ADVISE YOU WHAT YOU SHOULD DO AND ARE BARRED BY LAW FROM GIVING YOU LEGAL ADVICE. THE COURT CAN ONLY ANSWER PROCEDURAL QUESTIONS.***

**Please complete the Petition and Affidavit of Military Status of Defendant. PLEASE PRINT CLEARLY AND PRESS FIRMLY.** You are the plaintiff and the person or entity you are suing is the defendant. The defendant has a right to be sued in the county and precinct in which they reside; there are exceptions to this rule. Should there be a motion by the defendant to transfer venue, a hearing will be set to determine if a transfer of venue will be granted; a motion to transfer venue may delay the proceedings 6-8 weeks.

- **PLEASE NOTE: YOU MUST HAVE COPIES FOR THE COURT'S FILE OF ANY DOCUMENTS YOU INTEND TO SUBMIT TO THE COURT AS EVIDENCE. YOU WILL BE CHARGED FOR ANY COPIES THE COURT MUST MAKE.**

IT IS YOUR BURDEN AS PLAINTIFF TO MAKE SURE YOU ARE SUING THE DEFENDANT IN THEIR PROPER LEGAL CAPACITY. It is very 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 their *proper legal capacity*, of which there are typically three:

1. **Personally:** Where an individual is responsible to you for damages he may have caused you as an individual.
2. **Proprietor or partnership:** A business that is not incorporated, but does have on file with the County Clerk an assumed name, ex: John Smith dba Greenhouse Supplies.
3. **Corporation:** The business which has allegedly caused you damage is incorporated and therefore **it is necessary to know the individual's name who is authorized to accept civil process on behalf of the corporation.** The authorized agent for service would be listed with the Secretary of State, whose phone number is 1-800-252-5555, website is [www.sos.state.tx.us](http://www.sos.state.tx.us) Ex: Greenhouse, Inc. through its agent, John Smith. It is also possible for an incorporated entity to have an assumed name, ex: Greenhouse, Inc. dba Greenhouse Supplies.

- On the **Petition**, under **complaint** section, make a **very short statement** concerning the nature of your claim. Under **relief** section, put the **PRINCIPAL AMOUNT** of your claim against the defendant. **DO NOT ADD COURT COSTS** to this amount. If you wish to have the judgment include court costs, you would state “plus court costs”. The **Additional Information, Interest and Assignment** sections must also be completed.
- The **Affidavit of Military Status of Defendant** form must be completed and either accompany the filing of a petition or be submitted prior to a default judgment being granted.
- After the petition is completed, ask my clerk to review the petition and accompanying forms. You will then be required to pay fees of **\$154.00** for filing the petition and service of citation on one defendant. ***If the citation is to be served out of Parker County, you will be required to pay the service fee in the form of a money order made payable to the out-of-county agency.*** Please check with the clerk for more information in that case. A citation along with a copy of your 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 file an answer with the court by the end of the 14<sup>th</sup> day after the day he was served with the citation. You will be notified by this office that one of the following will take place:
  1. The defendant has entered a denial and the case is set for trial. The trial notice will be mailed approximately 45 days prior to the trial date, or
  2. The defendant did not answer and a prove-up hearing needs to be set for you to present your facts to the Court as to why you should be granted a default judgment, or
  3. The defendant answered and acknowledged their indebtedness. An acknowledged judgment is prepared and sent to you and the defendant.

**If you should receive a judgment**, please understand that this Court does not collect the judgment for you, nor can we force the defendant to pay the judgment. It is your responsibility to request any post-judgment remedies. The following are some of those remedies that are available to you:

1. **Abstract of Judgment** places a lien on any real property the defendant may own in a particular county where the abstract is recorded. There is a fee of \$5.00 for the Court to issue the abstract. You will also be required to pay a small fee to the County Clerk to record the abstract. This may be obtained 21 days after the judgment was signed.
2. **Writ of Execution** authorizes the Constable or Sheriff to seize any assets belonging to the defendant that are not exempt under Texas Property Code, Section 42.001 and 42.002. Those assets are then auctioned at a public sale and those proceeds are applied to the judgment. This may be obtained thirty days after the judgment was signed if the judgment was not paid or appealed.
3. **Writ of Garnishment** is a separate suit wherein you are the plaintiff and the defendant’s bank is the defendant. You are actually suing the bank in which the original defendant has their bank account, warning the bank to freeze the monetary assets of their bank account and to appear and make answer to the garnishment suit. **EXTREME CAUTION** should be used when filing a garnishment suit; if there are not sufficient funds in the account at the time the garnishment is served, the person filing the suit is liable for reasonable attorney fees for the garnishee which they may then tax as additional court costs against the judgment debtor. An attorney may be required.

**PETITION: DEBT CLAIM CASE**

CASE NO. \_\_\_\_\_

PLAINTIFF \_\_\_\_\_

VS

In the Justice Court, Precinct One, Parker County, Texas

DEFENDANT(S): \_\_\_\_\_

Defendant(s) address: \_\_\_\_\_

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 \$ \_\_\_\_\_

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Rules of Practice in Justice Courts. Other addresses where the defendant(s) may be served are:

\_\_\_\_\_

**ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):**

Account/Credit Card Name: \_\_\_\_\_ Account Number (may be masked): \_\_\_\_\_  
Date of Issue/Origination: \_\_\_\_\_ Date of Charge-Off/Breach: \_\_\_\_\_ Amount Owed \$ \_\_\_\_\_ as of \_\_\_\_\_

**ADDITIONAL INFORMATION (CASE BASED ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN):**

Date/Amount of Original Loan: \_\_\_\_\_ \$ \_\_\_\_\_ Repayment Accelerated? \_\_\_\_\_ Date Final Payment Due: \_\_\_\_\_  
Amount Due on Final Payment Date \$ \_\_\_\_\_ Amount Due \$ \_\_\_\_\_ as of \_\_\_\_\_

ONGOING INTEREST: Plaintiff  does, or  does not seek ongoing interest. If so, this interest is based on the following contractual/statutory reason: \_\_\_\_\_ and should be at \_\_\_\_%. \$ \_\_\_\_\_ of interest was due as of \_\_\_\_\_.

ASSIGNMENT OF CLAIM: Plaintiff  was, or  was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was \_\_\_\_\_, subsequent holders were \_\_\_\_\_, and the date the case was assigned/transferred to plaintiff was \_\_\_\_\_.

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: \_\_\_\_\_

\_\_\_\_\_  
Plaintiffs or Attorney's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Attorney

\_\_\_\_\_  
Address of Plaintiff's Attorney, if any, or Plaintiff if none

**DEFENDANT(S) INFORMATION (if known):**

DATE OF BIRTH: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\_\_\_\_\_  
Phone & Fax No. of Plaintiff or Attorney, if any

\* LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

\_\_\_\_\_  
Email address

DEFENDANT'S PHONE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_

§

IN THE JUSTICE COURT

VS

§

PRECINCT ONE

\_\_\_\_\_

§

PARKER COUNTY, TEXAS

**AFFIDAVIT OF MILITARY STATUS OF DEFENDANT**

Before me, the undersigned clerk of the justice court or notary public, 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 stated the following:

My name is **[please print]** \_\_\_\_\_; I am **[check one]** \_\_\_\_\_ the plaintiff or \_\_\_\_\_ an authorized agent or \_\_\_\_\_ attorney for the plaintiff in the above styled and numbered cause. I am over the age of 18 and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

***[Check below as applicable]***

- The defendant is not in a foreign country on military service
- The defendant is on active military duty and/or is subject to the Service member Civil Relief Act of 2003.
- The defendant has waived his/her rights under the Service member Civil Relief Act of 2003.
- The defendant's military status is unknown at this time.

\_\_\_\_\_  
Signature of Plaintiff/Agent/Attorney

Subscribed and sworn to before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Court Clerk/Notary Public