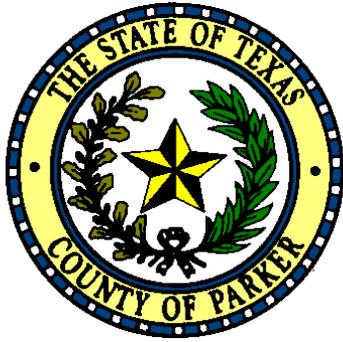


PARKER COUNTY

# Debt Claim Petition Packet

Judge Kelly Green



**JUDGE KELLY GREEN  
JUSTICE COURT  
PRECINCT TWO**

# 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.

**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.***

After the petition is completed, you will then be required to pay the filing fee of \$54.00 and the service for the citation of \$100.00 per person or entity you are suing. A citation along with a copy of your petition will be served to the defendant by the Constable or Sheriff's office notifying him that a suit has been filed against him in this court.

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)

Justice Court Building, 207 Fort Worth Hwy.,  
Weatherford, Texas 76086  
(682) 229-2171 phone (817) 598-0476 fax

Revised 01-01-2022

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

**PETITION: DEBT CLAIM CASE**

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

\_\_\_\_\_

**II. COMPLAINT:** The basis for the claim which entitles Plaintiff to seek relief against Defendant is: \_\_\_\_\_

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

**III. RELIEF:** Plaintiff seeks damages in the amount of \$ \_\_\_\_\_

**IV. SERVICE OF CITATION:** Service is requested on Defendant(s) by: personal service at home or work.

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. 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 \_\_\_\_\_

**VI. 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 Owed: \$ \_\_\_\_\_ as of \_\_\_\_\_

**VII. 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 \$ \_\_\_\_\_.

**VIII. ASSIGNMENT OF CLAIM:** Plaintiff  was or  was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was \_\_\_\_\_

Subsequent holders were \_\_\_\_\_

The date the debt was assigned/transferred to Plaintiff was \_\_\_\_\_

**IX. 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 Texas Rule of Civil Procedure 502.3.*)

I do not request a jury at this time.

**X. 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.

**XI. 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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

_____	§	IN THE JUSTICE COURT
VS	§	PRECINCT TWOI
_____	§	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 the military
- The defendant is not on active duty in the military and/or
- 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