



# RANDALL GRISSOM JUSTICE OF THE PEACE PRECINCT THREE

## 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 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 are not allowed in the courtroom.

Courthouse Annex, 1112 Santa Fe Drive, Weatherford, TX 76086

(817) 598-6087 – civil

(817) 598-6112 - fax

Court website: [www.parkercountytx.com/189/Precinct-Three](http://www.parkercountytx.com/189/Precinct-Three)

Court E-mail address: [jp.3@parkercountytx.com](mailto:jp.3@parkercountytx.com)

**\*\*PLEASE READ CAREFULLY\*\***

**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. NEITHER THE JUDGE, NOR THE CLERKS, CAN ADVISE YOU WHAT YOU SHOULD DO AND ARE BARRED BY LAW FROM GIVING YOU LEGAL ADVICE. WE CAN ONLY ANSWER PROCEDURAL QUESTIONS.***

**Please complete 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 may be set to determine if a transfer of venue will be granted; a motion to transfer venue may delay the proceedings 6-8 weeks.

**IT IS YOUR RESPONSIBILITY 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 512-463-5555, 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 **ACTUAL 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". If you are suing for the return of property, you must list the property ***and the value of each item.***
  - 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 the clerk to review the petition and accompanying forms. You will then be required to pay the fees for filing the petition and service of citation. ***If the citation is to be served out of Parker County, the clerk will prepare the citation and you will need to contact that county for service.*** 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 60 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.

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

**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. COST: \$205.00, if the defendant is located in Parker County.
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. COST: \$209.00, if the defendant is located in Parker County.

**PETITION: DEBT CLAIM CASE**

CASE NO. (court use only) \_\_\_\_\_ In the Justice Court, Precinct Three, Parker County, Texas

PLAINTIFF \_\_\_\_\_

VS.

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: \_\_\_\_\_.

\_\_\_\_\_  
Petitioner's Printed Name

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

DEFENDANT(S) INFORMATION (if known):  
DATE OF BIRTH: \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Phone & Fax No. of Plaintiff/Plaintiff's Attorney

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

<https://scra.dmdc.osd.mil>  
create an account  
single record request

\_\_\_\_\_  
Plaintiff

§ IN THE JUSTICE COURT

VS

§ PRECINCT THREE

\_\_\_\_\_  
Defendant

§ 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:

I, \_\_\_\_\_, the undersigned, certify and declare as follows:

- 1) This affidavit is made pursuant to the Servicemembers Civil Relief Act (50 U.S.C. § 3931).
- 2) I am the plaintiff/agent/attorney in the above-styled matter.
- 3) As of the current date: (check one)
  - a.  I have personal knowledge that the defendant named above is in military service.
  - b.  I have personal knowledge that the defendant names above is NOT in military service.
  - c.  I am unable to determine whether the defendant named above is in military service.
- 4) The following facts support the above statement (explain how you know the defendant is or is not in military service, or, if unable to make a determination, the steps you took to investigate the defendant's military status):

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

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

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

\_\_\_\_\_  
Court Clerk

\_\_\_\_\_  
Notary Public

**PENALTY FOR MAKING OR USING FALSE AFFIDAVIT: A person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18 United States Code, or imprisoned for not more than one year, or both.**