

SMALL CLAIM CASES

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 \$20,000, 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.

Filing Small Claims Cases

Claim Must Be Made Under Oath

To begin an action, in the Small Claims Court, the plaintiff, or claimant, must make a statement of the claim under oath. This may be done by the plaintiff, by the attorney for the plaintiff, or by an authorized agent for the plaintiff, in one of two ways:

- (1) by appearing in person before the Justice of the Peace or the clerk and filing a statement of the claim under oath; or,
- (2) by filing a sworn Small Claims Petition with the Justice of the Peace or clerk of the court.

The plaintiff is responsible to provide the court with the following information: name, address, phone number and separate payment for the service fee for the Constable, Sheriff or other agency that will be serving the citation.

File with Justice Court 3 and serve outside of Waller County

The Justice of the Peace must collect total fees of \$54.00 for the filing of a claim in the Small Claims Court. The filing fee is set out in Section 118.121 of the Texas Local Government Code. Other fees in Small Claims Court are the same as those for cases in Justice Courts. Section 28.004, Texas Government Code. Additional fees for basic civil legal services to indigents (Section 51.941, Texas Government Code) and for an alternative dispute resolution system (Section 152.005, Texas Civil Practice and Remedies Code) are also applicable.

Once the suit is filed, the Plaintiff must have the Defendant served by the appropriate Sheriff or Constable's Office.

Service Fee

If the address of service is within Precinct 3 of Waller County, the Precinct Constable's Office may provide service. There is a \$75.00 fee **per person/defendant**.

PAYMENT OPTIONS:

Money Order or Cashier's Check Payable to: Waller County, JP3

* Mailing address: 12620 FM 1887, Hempstead, TX 77445

PAYMENT CARDS ACCEPTED



Call 1-866-549-1010 or visit

<http://www.certifiedpayments.net>

There is a nominal fee for using this service.

Bureau Code - **7654257**
Waller County, **TX JP 3 WEB**

*Red fields are for office use only.

CAUSE NO. ____-SC____-J3

_____	§	IN THE JUSTICE COURT
PLAINTIFF/LANDLORD	§	
	§	
v.	§	PRECINCT 3
	§	
_____	§	
DEFENDANT(S)/TENANT(S)	§	WALLER COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

Defendant(s) address: _____

COMPLAINT: The basis for the claim which entitles Plaintiff to seek relief against Defendant is:

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:

SERVICE OF CITATION: Service is requested on Defendant(s) by: ☐ personal service at home or work, ☐ registered mail, ☐ 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:

***Red fields are for office use only.**

☐ I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

☐ I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____

Plaintiff's Printed Name

**Signature of Plaintiff
or Plaintiff's Attorney**

Defendant's Information (if known):

Date of birth: _____

Last three digits of Driver License: _____

Last three digits of Soc. Sec. No.: _____

Phone No.: _____

Address of Plaintiff or Plaintiff's Attorney

City

State

Zip

**Phone & Fax No. of Plaintiff
or Plaintiff's Attorney**

Military Status Affidavit

Case No. _____ § In the Justice Court of

§ Waller County, Texas
Plaintiff §
vs. §

§ Precinct 3
Defendant §

BEFORE ME, on this day personally appeared, _____ [printed name], 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 (date) _____

***Must Be Signed in Presence of Clerk or Notary**

Signature

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail Address: _____

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

Clerk of the Court

NOTARY PUBLIC, State of Texas

*Red fields are for office use only.

CAUSE NO. _____ - _____ -J3

Plaintiff _____	In the Justice Court
vs.	Precinct Three
Defendant _____	Waller County, Texas

Certificate of Last Known Mailing Address

I, [printed name] _____, certify that the last known mailing address that I have for the defendant, _____, is:

Address Line 1: _____

Address Line 2: _____

City: _____

State: _____

Zip Code: _____

Respectfully submitted,

Plaintiff / Pro Se Signature

Plaintiff Address: _____
