

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 \$10,000, 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

There is a \$75.00 fee to serve one person (**\$75 per person**).

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