

Justice of the Peace, Pct Three

PLAINTIFF'S CIVIL INFORMATION

1. Small Claims can only render a judgment for Recovery of Money. The filing fee in Small Claims Court is \$82.00
2. A Civil suit may be filed for property or its value. The filing fee in Justice Court is \$82.00
3. It is your responsibility to prepare all forms when filing a Small Claims of Justice Court suit if you choose not to hire an attorney. Our office will supply you with this packet of forms and samples; however we cannot give you any legal advice or help you fill out these forms.
4. It is your duty to provide correct address or location where service of citation may be obtained by the Constable.
5. When you are filing a Small Claims or Civil suit, you are only making an allegation that you should recover from the defendant, on your trial date you must be prepared to prove your case if the defendant denies your allegations.
6. You should remember that hearsay evidence is inadmissible and cannot be used if objected to by the defendant. Examples of hearsay evidence are affidavits, garage estimates, police reports, and what other people orally said. Whenever possible you should have these people appear on your court date to testify in your behalf. Another example is when a suit is filed for faulty mechanical work in your vehicle, you should have an expert witness to back up your allegations, and an expert witness in this type of case would be a person who has mechanical experience by virtue of his professions and/or experience.
7. On your court date bring with you any evidence of your claim (such as receipts, invoices, canceled checks etc.) and any witness you intend to have testify on your behalf. Pictures might be helpful in proving your case.
8. If witnesses are required, you may subpoena them to court by asking for the subpoena and paying the required fee (\$55.00 per person). The subpoena should be requested several days prior to trial.
9. After you present your case at the trial as to your right to recover, the defendant then presents his defense to you claim and explains why you should not recover.
10. After both plaintiff and defendant have rested their case, the Court will enter a judgment that the plaintiff recovers from the defendant all, part or none.
11. If you recover a judgment, the defendant has ten days in which to appeal to the County Court at Law.
12. Should the Court rule that you recover nothing, you must appeal the ruling within ten days or your right to recover is forever lost.
13. If the defendant does not appeal within ten days, the judgment is final.

REMEDIES AFTER JUDGMENT

1. The court can only grant you a judgment and cannot guarantee that your judgment will be paid if the defendant proves that he does not have the money to pay you. You may accept payment on your judgment if you wish and if the defendant defaults on your agreement you may still file for an execution at a later date for the balance of your judgment.
2. If you obtain a final judgment you may file an abstract, execution, or garnishment as after judgment remedies.
3. An abstract may be issued ten days from date of judgment. This abstract of judgment should be filed by you at County Clerks Office in the County Courthouse in El Paso.
4. An execution may be issued thirty days from date of judgment. The fee for a writ of execution is \$5.00 payable to this court. The Sheriff's fee for executing your writ (going out to try to collect your judgment) is \$185.00. This fee will be charged to the defendant if your judgment is collected, however if the Sheriff is unable to collect your judgment because the defendant has not money or personal property that is not exempt by law, then you will be charged the \$185.00 by their office. If at this time you do not believe the defendant has the funds to satisfy your judgment you may request your writ of execution at a later date.
5. A garnishment suit may be filed after ten days from date of judgment.

PLEASE NOTE THE STAUTE OF LIMITION TO FILE IS 2 YEARS OR LESS FROM THE DAY OF ACCIDENT/TRANSACTION/INCIDENT OCCURED.