

PLAINTIFF'S CIVIL INFORMATION

1. Small Claims can only render a judgment for Recovery of Money. The filing fee in Small Claims Court is \$86.00
2. A Civil suit may be filed for property or its value. The filing fee in Justice Court is \$86.00
3. It is your responsibility to prepare all forms when filing a Small Claims or 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, 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 your 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.

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

INSTRUCCIONES CIVILES PARA EL DEMANDANTE

1. Una Corte de Reclamaciones Pequeñas solo puede concederle dinero. El precio para iniciar la demanda es \$86.00
2. Una demanda civil es sobre propiedad personal o su valor. El precio para iniciar la demanda es \$86.00
3. Por razones de una nueva ley que se efectuó recientemente, se le prohíbe a la corte asistir en llenar los documentos para demanda. Es su responsabilidad obtener las formas, completar la información necesaria y regresarlas a nuestra oficina. Requiere que estas formas se completen en inglés. Si Ud. no escribe inglés, puede llevarse las formas para que otra persona ayude.
4. Es su obligación de dar un domicilio correcto o dar una localidad donde el Correspondiente pueda servir al demandado una citación de corte.
5. A tiempo que Ud. archiva su demanda civil. Ud. solamente está haciendo una alegación de que Ud. debe de recobrar de el demandado. En el día de Corte Ud. tiene que probar sus alegaciones.
6. Ud. debe recordar que la evidencia que se sabe o dicho por cuenta de otros no es admisible y no se puede usar si el demandado hace una objeción. Para ser admisible, la persona que le contó o le dijo, tiene que estar presente con Ud. el día su audiencia como testigo suyo. Ejemplos de evidencia que se sabe por dicho de otros son declaraciones juradas, presupuesto de taller, reportes de policía y lo que otras personas le han dicho oralmente. Siempre que sea posible Ud. debe de traer estas personas para que den testimonio a su favor.
7. Cuando Ud. archiva una demanda por algún trabajo defectuoso ya sea en su vehículo o en su casa Ud. debe de traer con Ud. a su audiencia un testigo experto para probar sus alegaciones. Un testigo experto en ese tipo de demanda viene siendo una persona con experiencia en mecánica o albanil por virtud de su profesión.
8. Si Ud. requiere algún testigo que no desea presentarse voluntariamente, Ud. puede pedir a la corte que mande una citación legal mandando a esa persona que se presente por orden de la ley. Para mandar esa citación se requiere que Ud. la pague y que se pida varios días antes de que su caso se lleve a prueba.
9. Después de que el demandante y el demandado han terminado de presentar su caso en el día de corte acerca de su derecho de recobrar, entonces el demandado presenta su defensa a su demanda y explica porque Ud. no debe de recobrar lo que Ud. está pidiendo.
10. Después de que el demandante y el demandado han terminado de presentar su caso, la corte va a declarar su decisión, sea que el demandante recobre de el demandado todo, parte, o nada.
11. Si la demanda es a su favor, el demandado tiene 10 días para apelar el caso a una corte superior.
12. Si la corte decide que Ud. no recobre nada de su demanda, Ud. tiene que apelar la decisión entre 10 días o su derecho de recobrar se pierde para siempre.
13. Si el demandado no apela el caso en 10 días, la decisión de la corte es final.

RECURSOS DESPUES DE LA DECISION DE CORTE

1. La corte solamente puede dar una decisión pero no puede garantizar que el demandado le pague su dinero si él prueba que no tiene dinero con que pagar. Si el demandado se ofrece a darle abonos Ud. puede; y se recomienda, que los acepte.
2. Si la decisión es final Ud. puede después de 10 días, obtener un resumen de su juicio y este debe ser archivado en la oficina del El Paso County Clerk.
3. Si el demandado no le ha pagado después de 30 días Ud. puede pedirle a la corte un auto de ejecución. Esto es una orden de corte dirigida en El Paso County Sheriff Department que vayan ellos a tratar de cobrar su juicio. Esto le cuesta a Ud. \$5.00 por la orden y el Sheriff Department cobra \$185.00 por servirle. Si ellos cobran su juicio, esta recompensa se la cobran a el demandado, pero si él no tiene dinero ni propiedad personal que no este amparada por ley, la recompensa se la cargan a Ud.

No. _____

PAUL PLAINTIFF
(Plaintiff-person filing claim)

JUSTICE COURT OR
SMALL CLAIMS COURT
JUSTICE PRECINCT NO. 6 Place 2

VS.

DUDLEY DEFENDANT
(Defendant-person being sued)

EXAMPLE

PAUL PLAINTIFF _____, whose address is _____

Plaintiff's Name	Social Security no.	Date of Birth		
123 Fourth St.	El Paso, Texas	79907	851-8910	
Street address Apt #	City	State	Zip Code	Phone

_____, whose address is _____

hereinafter called Plaintiff_____, on oath deposes and says that

DUDLEY DEFENDANT _____, whose address is _____

Defendant's Name	Social Security No.	Date of Birth		
456 Seventh St.	El Paso, Texas	79997	851-8911	
Street Address, Apt.#	City	State	Zip Code	Phone

hereinafter called Defendant_____, justly indebted to Plaintiff _____, in the sum of \$_____ (is or are)

for damages to 1969 Chevrolet car resulting from an accident that occurred on 9/21/87 at Highway 20 and Passmore Rd. in El Paso, County Texas.

In the sum of \$100 "or" the return on one Sears 19 inch lawn mower Serial #5678. Mower was loaned to defendant on 5/16/87 and he has refused to return the mower or pay for its value.

And that there are no counterclaims existing in favor of the Defendant_____ and against the Plaintiff_____ except:

NONE

Signature

Subscribed and sworn to be before me, this the _____ day of _____, 20_____

Judge, Small Claims Court
Justice of the Peace Precinct No. 6 Place 2
El Paso County, Texas

No. _____

**JUSTICE COURT OR
SMALL CLAIMS COURT
JUSTICE PRECINCT NO. 6 PL. 2**

_____, **Plaintiff**

VS.

_____, **Defendant**

_____, whose address is
Plaintiff's Name

Street Address, Apt. # P.O. Box City State Zip Code Phone

hereinafter called Plaintiff _____, on oath deposes and says that

_____, whose address is
Defendant's Name Social Security No. Drivers License No.

Street Address Apt. # P.O. Box City State Zip Code Phone

_____, whose address is
P.O. Box

hereinafter called Defendant _____, justly indebted to Plaintiff _____, in the sum of \$ _____

For _____

_____, and that there are no
counterclaims existing in favor of the defendant _____, and against the Plaintiff _____, except:

Subscribed and sworn to be before me, this the _____ day of _____, 20____.

Signature

Judge, Small Claims Court, Justice of
The Peace Precinct No. 6 Place 2
El Paso County, Texas

CASE NO. _____

**AFFIDAVIT
SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201 (b)**

PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS THAT
DEFENDANT (S)

- () IS NOT IN THE MILITARY
- () NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
- () NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE
- () IS ON ACTIVE MILITARY DUTY AND /OR IS SUBJECT TO THE SERVICE
MEMBERS RELIEF ACT OF 2003.
- () DEFENDANT HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS
RELIEF ACT OF 2003.
- () MILITARY STATUS IS UNKNOWN AT THIS TIME: _____

PLAINTIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2009.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
CLERK OF THE JUSTICE COURT (STRIKE ONE)

Penalty for making or using false affidavit- A person who makes or uses an affidavit knowing to be false, shall be fined \$10, 000 as provided in title 18 United States Code, or imprisoned for not more than one year, or both.