

BASTROP COUNTY JUSTICE OF THE PEACE PRECINCT ONE

Physical Address: 803 PINE STREET, BASTROP, TEXAS, 78602 (3<sup>rd</sup> floor)

Mailing Address: PO BOX 336, BASTROP, TEXAS, 78602

PHONE: 512-581-4258



## DEBT CLAIMS CASE

Please make sure to read all the information provided. If you still have questions that are not procedural, then utilize legal resources (some enclosed) or a lawyer. The clerks are not allowed to give legal advice. This is for your protection as well as our own. The enclosed information does not replace consultation or assistance from an attorney and is not advice from our court/clerks.

**At minimum, you must provide the following to the court with your completed paperwork to start the filing of your paperwork/case:**

1. \$51.00 filing fee payable to JP #1. Our court only accepts Cashier Check, Money Order or Company Check IF the plaintiff is the company or a part of the suit.
2. \$75.00 citation fee payable to Constable or Sheriff assigned to the address/precinct of the Defendant. This fee is for **EACH** citation/defendant to be served listed on the petition. *It is the Plaintiff's responsibility to ensure that the Debt Claim case is being filed in the correct precinct/county. \*\*\*Private process servers will need to be approved/confirmed by Judge Allen by providing the name, mailing address and telephone number of the process server/company.\*\*\**

**Post Judgment Fees (see Rules for Debt Claim cases mentioned below about post-judgment actions; the list below does not represent all the Rules mentioned in the Information on Debt Claim Cases below):**

- Writ (Execution or Garnishment) filing fee \$5.00 payable to JP #1.
- Abstract of Judgement fee \$5.00 payable to JP #1.
- Writ of Execution fee \$250.00 payable to appropriate Constable or Sheriff.
- Writ of Garnishment fee \$250.00 payable to appropriate Constable or Sheriff.

### **Information on Debt Claim Cases**

**What is a Debt Claims 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 in damages, excluding statutory interest and court costs but including attorney fees, if any. Debt claim cases in justice court are governed by Rules 500-507 and 508 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 508 and the rest of Part V, Rule 508 applies.

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

\_\_\_\_\_  
PLAINTIFF

§  
§  
§  
§  
§  
§  
§

IN THE JUSTICE COURT

v.

PRECINCT NO. ONE

\_\_\_\_\_  
DEFENDANT

BASTROP COUNTY, TEXAS

**PETITION: DEBT CLAIM 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 \$ \_\_\_\_\_.

Additionally, Plaintiff seeks: \$ \_\_\_\_\_.

**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 of Original Loan: \_\_\_\_\_.

Amount of Original Loan: \_\_\_\_\_.

Repayment Accelerated? \_\_\_\_\_.

Date Final Payment Due: \_\_\_\_\_.

Amount Owed:\$\_\_\_\_\_.

**ONGOING INTEREST:**

Plaintiff DOES or DOES NOT seek ongoing interest. (Circle One)

If so, this interest is based on the following contractual/statutory reason:\_\_\_\_\_

\_\_\_\_\_ and

should be at \_\_\_\_\_%. \$\_\_\_\_\_ of interest was due as of (date)\_\_\_\_\_.

**ASSIGNMENT OF CLAIM:**

Plaintiff WAS or WAS NOT (circle one) assigned or otherwise transferred this claim. If so, the original claimant/creditor was \_\_\_\_\_.

Subsequent holders were \_\_\_\_\_.

The date the debt was assigned/transferred to Plaintiff was \_\_\_\_\_.

**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: \_\_\_\_\_

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

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

\_\_\_\_\_

§

IN THE JUSTICE COURT

PLAINTIFF

§

v.

§

PRECINCT NO. ONE

\_\_\_\_\_

§

DEFENDANT

§

BASTROP COUNTY, TEXAS

### Certificate of Last Known Mailing Address

1. Plaintiff name and address is:

\_\_\_\_\_

*First*

*Middle*

*Last*

\_\_\_\_\_

*Mailing address of Plaintiff*

2. Attorney of Plaintiff name and address is:

\_\_\_\_\_

*First*

*Middle*

*Last*

\_\_\_\_\_

*Mailing address for Agent or Attorney for Plaintiff*

3. The Respondent's (Defendant's) name is:

\_\_\_\_\_

*First*

*Middle*

*Last*

4. I certify that the last known mailing address I have for the Respondent (Defendant) is:

\_\_\_\_\_

*Address*

*City*

*State*

*Zip*

Respectfully submitted,



\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Your Printed Name*

\_\_\_\_\_  
( )

\_\_\_\_\_  
*Phone*

**Instructions:** The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court. A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home> This website will provide the current active military status of an individual.

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
v.	§	PRECINCT NO. ONE
_____	§	
DEFENDANT	§	BASTROP COUNTY, TEXAS

### Military Service Affidavit

BEFORE ME, on this day personally appeared, \_\_\_\_\_, 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 \_\_\_\_\_

\_\_\_\_\_  
*Signature*  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

SWORN TO AND SUBSCRIBED BEFORE ME on

\_\_\_\_\_  
 NOTARY PUBLIC, State of Texas

## **LEGAL RESOURCES / LEGAL AID RESOURCES**

**Texas RioGrande Legal Aid, Inc.** 800-369-9270 (San Antonio) 888-988-9996 (Main Office) [www.trla.org](http://www.trla.org)

Provides free legal services to low-income residents in 68 south, central, and west counties in Texas; provides free legal services to survivors of sexual assault in 114 counties in north and west Texas; represents migrant and seasonal farm workers in 7 states; operates public defender programs in several Southwest Texas counties (court-appointed only); for assistance in civil cases, call Monday through Thursday 8am-8pm; Friday 8am-6pm. Legal services hotline: 888-988-9996. Disaster-Related Hotline: 866-757-1570. Legal Aid for Survivors of Sexual Assault (LASSA) Hotline: 800-991-5153.

## **ONLINE SELF-HELP RESOURCES**

### **[www.TexasLegalAnswers.org](http://www.TexasLegalAnswers.org)**

Free online legal advice clinic offering answers by volunteer attorneys to civil legal questions. Low income Texans can post any non-criminal legal question securely at [TexasLegalAnswers.org](http://TexasLegalAnswers.org), from any computer or smart device. Users must meet low income eligibility requirements.

### **[TexasLawHelp.org](http://TexasLawHelp.org)**

Website offering free, reliable civil legal information and documents (not legal assistance) to Texans who cannot afford legal help; a LiveChat operator is available Monday – Thursday, 9:00 AM-5:00 PM, to help eligible clients navigate the website.

### **Lawyer Referral Service of Central Texas**

512-472-8303 Hours: 8:00 am - 4:30 pm, M-F Offers limited scope referrals in family law matters for clients able to represent themselves (pro se) and reduced-fee legal services for qualified clients under the Modest Means Program (previously known as Match Program).

### **Consejos Legales**

713-759-1133 (Main Office) [www.hba.org/event/consejos-legales](http://www.hba.org/event/consejos-legales)

The Mexican American Bar Association of Houston (MABAH) and the Hispanic Bar Association of Houston (HisBA), in association with the Houston Bar Association (HBA), offer a free, anonymous telephone legal advice service to the Spanish-speaking community through Consejos Legales. The first Thursday of each month from 6 PM to 8 PM. The number is 713-759-1133.

# **LAWYER REFERRAL SERVICES** **(FULL FEE AND REDUCED FEE)**

Lawyer referral services enroll licensed attorneys who pay the necessary registration fee and meet basic guidelines. Callers referred to a participating attorney by a lawyer referral service receive a half-hour consultation for no more than \$20. After the initial half-hour consultation, should the caller decide to authorize the lawyer to take action on their legal issue, the caller and lawyer may negotiate fees. These fees may be on a full or reduced fee basis, depending on the program the attorney is participating in.

Below is a list of the certified lawyer referral services in Texas. The State Bar of Texas operates the lawyer referral service for the areas of the state not covered by a local lawyer referral service.

**State Bar of Texas Lawyer Referral Information Service**.....800-252-9690  
Serving all counties except Bexar, Dallas, El Paso, Harris, Jefferson, Nueces, Tarrant, and Travis.

<b>SERVICES</b>	<b>CERTIFIED</b>	<b>LOCAL</b>	<b>LAWYER</b>	<b>REFERRAL</b>
Austin Tenants' Council .....				512-474-1961
Corpus Christi Bar Association .....				361-883-3971
Dallas Bar Association.....				214-220-7444
El Paso Bar Association .....				915-532-7052
Harris County Bar Association.....				713-236-8000
<b>Harris County Criminal Lawyers Association Lawyer Referral Service</b> .....				713-227-2404
Houston Lawyer Referral Service* .....				713 237-9429 or 800-289-4577
*Also offers reduced fee attorneys for income-eligible individuals				
Jefferson County Bar Association .....				409-835-8438
Lawyer Referral Service of Central Texas* .....				512 472-8303 or 866-303-8303
*Modest Means Program (previously known as Match) - reduced fee legal services for family law and estate planning cases; applicants should ask for "Modest Means" Program by name				
North Dallas Bar Association.....				972-980-0472
Plano Bar Association .....				972-424-6113
San Antonio Bar Association .....				210-227-1853
Tarrant County Bar Association .....				817-336-4101

**ONLINE FIND A LAWYER SERVICE**

**State Bar of Texas, Find a Lawyer**

[www.texasbar.com/findalawyer](http://www.texasbar.com/findalawyer)

Fee-paying clients may use the Find a Lawyer service to connect with attorneys. The service offers clients the option to filter results by fee options, including reduced fee arrangements and payment plans. The full list of options include: **Contingency Fees:** The attorney's fee is based on a percentage of the amount awarded in judgment or negotiated in the settlement of the case.

**Flat Fees:** The attorney charges a specified sum for handling the entire case or matter or for completion of a certain task associated with the case or matter (e.g. review of a contract, court appearance, etc.).

**Hourly Rate:** The attorney charges a per-hour rate and usually tracks his or her time in fractions of an hour (often 10ths of an hour/6 minute increments).

**Payment Plans:** The attorney's fee may be paid in installments instead of all at once.

**Sliding Scale Fees:** A reduced fee arrangement based on a review of the client's overall income and ability to pay.