



**LARRY A. DUNNE
JUSTICE OF THE PEACE, PCT. #4
BASTROP COUNTY, TEXAS**

THESE INSTRUCTIONS ARE A BROAD INTERPRETATION OF THE LAWS THAT APPLY TO **SMALL CLAIM SUITS**. ANY LEGAL QUESTIONS OR LEGAL INTERPRETATIONS SHOULD BE BASED UPON YOUR OWN RESEARCH OF THE MATTER OR THE ADVICE OF YOUR ATTORNEY.

SMALL CLAIMS SUIT INFORMATION

VENUE: Generally, suit should be filed in the county and precinct where one or more of the defendants reside. HOWEVER, there are many exceptions to this Rule. For further information see “VENUE IN JUSTICE COURT SUITS”.

JURISDICTION: Jurisdiction (what the Court may render JUDGMENT for) in Small Claims Court is for civil matters in which the amount in controversy is not more than \$20,000.00. A judgment in Small Claims Court **SHALL** be for MONEY ONLY, (not for the return of personal property, etc)

AN ACTION IN SMALL CLAIMS COURT MAY NOT BE BROUGHT BY:

1. an assignee of the claim or other person seeking to bring an action on an assigned claim;
2. a person primarily engaged in the business of lending money at interest; or
3. a collection agency or agent.

FILING SUIT: The responsibility for filling out your petition rests with you, the plaintiff. The Court Clerk will assist you if you have **PROCEDURAL** questions. **The cost for filing a suit is \$54.00 (MONEY ORDER OR CASHIER’S CHECK ONLY.)**

CITATION: A citation is sent to the Constable for service on the defendant in Bastrop County. Out of county service is sent to the Sheriff or Constable of the county in which the defendant lives. **The cost for service in Bastrop County is \$100.00 (MONEY ORDER OR CASHIER’S CHECK ONLY.) For citations going out-of-county check with the Court Clerk**

ANSWER: The defendant in your suit is commanded to answer to the Court, in writing, within 14 days from the date the citation was served upon him/her.

REPRESENTATION: As an individual, you may represent yourself in a Small Claims Suit.

MEDIATION: You may be referred to mediation. This is used to settle the matter prior to coming before the court.

DEFAULT JUDGMENTS: If the defendant in your suit fails to file a written answer with the Court, only you, as plaintiff, will be notified by the Court for an appearance on the Default Docket. You will be asked to briefly state the facts of your case and present any written documents you may have to support your case. If a Default Judgment is rendered in your favor, then you **shall** file a Non-Military Affidavit before the Judgment can be signed

TRIAL BY JUDGE OR JURY: If the defendant in your suit files a written answer, the court date should be approximately 6 to 7 weeks after service. Notice will be mailed to you and to the defendant stating the date and time to appear in Court. Bring all information you need to support your claim. If you have witnesses, you should bring them. If you have witnesses to your suit who will not come to court voluntarily, you may ask the Court to subpoena those individuals prior to trial. **There is a \$75.00 service fee for a subpoena.** Allow at least a week for service of the subpoena.

CONTINUANCE: We discourage motions for continuance. However, ANY REQUESTS FOR A CONTINUANCE MUST BE IN PROPER FORM AND TIMELY FILED. At least 5 working days prior to trial date: to-wit: written request supported by affidavit.

AFTER JUDGMENT: THIS COURT DOES NOT COLLECT THE JUDGMENT FOR YOU NOR CAN WE FORCE THE DEFENDANT TO PAY THE JUDGMENT. If you receive a judgment against the defendant, and if the defendant does not make a motion for new trial within 5 days or appeal the case within 21 days after the judgment has been signed, your remedies to collect the judgment are as follows:

ABSTRACT OF JUDGMENT: You may obtain an Abstract of Judgment on the 11th day after judgment. You should then take the Abstract to the County Clerk's office in the County where the defendant lives or has real property. The purpose of filing an Abstract is to put a lien against REAL PROPERTY in the defendant's name. If the defendant sells any real property within 10 years from the date of the judgment, the amount of the judgment must be paid with interest. **The fee for obtaining an Abstract of Judgment is \$5.00.**

WRIT OF EXECUTION: If you are granted a judgment against the defendant and if the defendant does not appeal within 21 days after the judgment is signed, you may obtain and file a Writ of Execution any time after the 30th day from the date of judgment. A Writ of Execution allows a Sheriff or Constable in the State of Texas to try and seize certain non-exempt property from the defendant. If property is seized, an auction is held and the proceeds from the sale satisfy the judgment. **The cost for filing for a Writ is \$5.00. The cost for service for a Writ is \$250.00.**

SHOULD THE DEFENDANT PAY ANY PORTION OF THE AMOUNT OWED AFTER YOU HAVE RECEIVED A JUDGMENT, IT IS NECESSARY FOR YOU TO NOTIFY THE COURT TO THE CREDIT OR NOTIFY THE COURT THAT THE JUDGMENT HAS BEEN SATISFIED IN FULL, IF THE DEFENDANT PAYS THE ENTIRE JUDGMENT AMOUNT. IF YOUR ADDRESS CHANGES WITHIN THE 10-YEAR PERIOD FOLLOWING THE JUDGMENT, YOU SHOULD NOTIFY THE COURT OF YOUR NEW ADDRESS.

ADDITIONAL INFORMATION: The defendant in a Small Claims Suit must be served personally by the Constable or Sheriff of the County. Sometimes, the defendant avoids service; therefore, an alternate method of service is necessary. This method is referred to as alternate service.

NOTE: DO NOT ASK TO SPEAK TO THE JUDGE. THE JUDGE CANNOT LISTEN TO ANY PORTION OF YOUR CASE BEFORE YOUR HEARING.

LEGAL QUESTIONS WILL NOT BE ANSWERED BY THE COURT.
CONSULT AN ATTORNEY.

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO:

**JUDGE LARRY A. DUNNE
JUSTICE OF THE PEACE, PCT. 4
1125 DILDY DRIVE
ELGIN, TEXAS 78621 512-581-7162**

SMALL CLAIM FILING FEES

\$54.00 Filing Fee

\$100.00 Service Fee per person

(Married couple (with same last name) \$100.00)

Payment **Must** be (2) separate checks or money orders:

Filing Fee make payable to: **BASTROP COUNTY JP #4**

Service Fee make payable to: **BASTROP COUNTY CONSTABLE PCT #4**

BASTROP COUNTY JUSTICE COURT PCT. 4

LARRY A. DUNNE-JUDGE

1125 DILDY DRIVE

ELGIN, TEXAS 78621

512.581.7162 FAX # 512.581.7163





PETITION: SMALL CLAIMS CASE

CASE NO. _____

In the Justice Court, Precinct 4, Bastrop County, Texas

PLAINTIFF(S): _____

VS.

DEFENDANT(S): _____

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

RELIEF: Plaintiff seeks damages in the amount of \$_____, and/or 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 defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT'S ADDRESS: (REQUIRED)

Address of Plaintiff's Attorney, if any, or Plaintiff if none

Date of Birth: _____

City State Zip

* LAST 3 NUMBERS OF DRIVER LICENSE: _____

* LAST 3 NUMBERS OF SOCIAL SECURITY: _____

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

Sworn to and subscribed before me this _____ day of _____, 20____

CLERK OF THE COURT OR NOTARY PUBLIC



LARRY A. DUNNE
JUDGE

Justice Court
PRECINCT FOUR
ELGIN, TEXAS 78621

1125 DILDY DRIVE
512.581.7162

GENERAL INFORMATION SHEET

IN ORDER TO ASSIST US IN THE TIMELY SERVING OF CIVIL PAPERS, PLEASE FURNISH THE FOLLOWING INFORMATION:

Plaintiff's Name: _____

Plaintiff's Address: _____

Plaintiff's Phone Number: _____ mobile

_____ work/fax

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone number: _____ mobile

_____ work/fax

Defendant's Place of Employment: _____

Employment Address: _____

Defendant's work hours: _____

ANY OTHER INFORMATION THAT YOU CAN FURNISH WILL HELP GREATLY IN SERVING YOUR PAPERS.

PLEASE FURNISH EXPLICIT DIRECTIONS OR A MAP IF POSSIBLE.

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: _____	Telephone: _____	Plaintiff(s): _____
Address: _____	Fax: _____	_____
City/State/Zip: _____	State Bar No: _____	Defendant(s): _____
Email: _____		_____
Signature: _____		_____
		[Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
☐ Debt Claim: 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, excluding statutory interest and court costs but including attorney fees, if any.	☐ Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
☐ Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ Small Claims: 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.	