



**DANNY DOMINGUEZ**

**Justice of the Peace**

**Precinct 2, Place 2, Webb County, Texas**

## **SMALL CLAIM PETITION**

**EFFECTIVE JANUARY 1, 2022**

**Filing Fee is \$134.00** Payable to Webb County

/ \$80.00 Service Fee Per Additional Defendant

Payable: Cash / Money Order / Credit Card (*3% surcharge applies*)

**THE JUSTICE COURT MAY CONSIDER THE BELOW LISTED  
DOCUMENTATION WHEN REVIEWING YOUR PETITION**

**PETITION APPLICATION – ALL SECTIONS must be complete**

**COPIES OF PHOTOGRAPHS**

**INVOICES, RECEIPTS, EXPENSES AND ANY OTHER DOCUMENTS  
TOTALING AMOUNT OF CLAIM**

**IF AUTO ACCIDENT CLAIM PROVIDE ESTIMATES FOR REPAIRS**

**COPIES OF POLICE REPORTS (*if applicable*)**

**POWER OF ATTORNEY – (*if applicable*)**

Civil Department contact information:

Mary Santos, Civil Court Coordinator @ [marys@webbcountytexas.gov](mailto:marys@webbcountytexas.gov)

at (956) 523-5335 *direct line* or (956) 523-5330 *main line*



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

	*	IN THE JUSTICE COURT
Plaintiff ( <i>Demandante</i> )		
VS.	*	PRECINCT 2, PLACE 2
Defendant(s) ( <i>Acusado</i> )	*	WEBB COUNTY, TEXAS

**PETITION SMALL CLAIM**

**I. DEFENDANT(S) ADDRESS**

*(Direccion de acusado)* \_\_\_\_\_ Street Address \_\_\_\_\_ City, State and Zip Code \_\_\_\_\_

**II. COMPLAINT (*Descripcion de reclamo*)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. RELIEF (*monto de reembolso*):** Plaintiff seeks: damages in the amount of: \$ \_\_\_\_\_ **OR RETURN OF PERSONAL PROPERTY** described as follows (*be specific*):

Which has a value of \$ \_\_\_\_\_ **ADDITIONALLY**, Plaintiff seeks the following:

**IV. 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:

**V. ONGOING INTEREST:** Plaintiff \_\_\_\_\_ DOES or \_\_\_\_\_ DOES NOT seek ongoing interest. If so: The effective interest RATE CLAIMED is \_\_\_\_\_ %;  
this interest rate is based upon \_\_\_\_\_ CONTRACT \_\_\_\_\_ STATUTE and began accruing on \_\_\_\_\_ ; the dollar amount of interest claimed as  
of \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_ is \$ \_\_\_\_\_.

**VI. JURY REQUEST**

**I REQUEST A JURY TRIAL.** (The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Rule 502.3.)

**I DO NOT REQUEST A JURY** at this time

**VII. SERVICE BY EMAIL** (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. **Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.**)

YES, I would like to receive documents related to this case by email at this email address: \_\_\_\_\_

NO, I do not want to receive any documents by email.

**Hearing by Video Conference:** (When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)

YES, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

NO, I am not able to have hearings by video conference

*NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

**DEFENDANT(S) INFORMATION**

*DATOS DEL ACUSADO*

**SIGNATURE:**

DATE OF BIRTH:  
(Fecha de nacimiento) \_\_\_\_\_  
LAST 3 #s OF DRIVERS LICENSE:  
(Ultimos 3 digitos de licencia) \_\_\_\_\_  
LAST 3 #s OF SOCIAL SECURITY:  
(Ultimos 3 digitos de seguro social) \_\_\_\_\_  
DEFENDANT'S CELL PHONE NO.  
(Numero de telefono - mobil) \_\_\_\_\_  
DEFENDANT'S WORK PHONE NO  
(Numero de telefono - trabajo) \_\_\_\_\_

**PLAINTIFF(S) INFORMATION**

*DATOS DEL DEMANDANTE*

PLAINTIFF'S NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
PHONE # \_\_\_\_\_ FAX # \_\_\_\_\_

**FILED ON THIS THE** \_\_\_\_\_ **of** \_\_\_\_\_ **, 20**\_\_\_\_\_.

\_\_\_\_\_  
**CLERK OF THE JUSTICE COURT OR NOTARY SIGNATURE**

CASE NO. \_\_\_\_\_

Plaintiff <i>(Demandante)</i>	*	IN THE JUSTICE COURT
VS.	*	PRECINCT 2, PLACE 2
Defendant(s)	*	WEBB COUNTY, TEXAS

**PLAINTIFF'S ITEMIZED LIST OF SUIT EXPENSE(S) OR LOSS**

DESCRIPTION	COST AMOUNT	COURT USE ONLY
<b>TOTAL AMOUNT OF SUIT</b>	<b>\$</b>	

**PLAINTIFF'S SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

CASE NO. \_\_\_\_\_

	*	IN THE JUSTICE COURT
Plaintiff ( <i>Demandante</i> )		
VS.	*	PRECINCT 2, PLACE 2
Defendant(s) ( <i>Acusado</i> )	*	WEBB COUNTY, TEXAS

### SERVICEMEMBER'S CIVIL RELIEF ACT

**Instructions:** The Servicemember's 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 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 the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website:

<https://www.dmdc.osd.mil/appli/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: (*check one*)

**NOT** on active duty in the military

**ON** active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003

**HAS WAIVED** in writing his/her rights under the Servicemember's Civil Relief Act of 2003

Military status is **UNKNOWN** at this time

\_\_\_\_\_  
**PLAINTIFF'S SIGNATURE**

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF THE JUSTICE COURT OR NOTARY**

*\*Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.*

## **SMALL CLAIMS**

### *Frequently asked questions*

#### **WHAT HAPPENS THE DAY OF THE HEARING?**

The court will issue decision in favor of either Plaintiff/Defendant upon hearing evidence on the case. If a Judgment is awarded – it must be paid within 30 days from the date the judgment is granted. Payment arrangements can only be agreed by the awarded party.

#### **APPEAL:**

Either party may appeal a judgment by the appeal deadline – **within 21 days after the judgment is signed on/or before 5:00 P.M. Rule 510.9(a).**

Filing fee is \$10.00. Appeal BOND AND DOCUMENTATION requirements apply – please contact Civil Clerk for instructions.

#### **WHAT OTHER REMEDIES ARE AVAILABLE TO THE PLAINTIFF AFTER JUDGMENT IS ISSUED?**

##### Abstract of Judgment

- The Abstract of Judgment will earn a 5.00% interest per year for 10 years. It will show as a pending debt on the defendant's credit report. A lien is recorded – if the defendant decides to purchase/sell personal property to his/her name, the judgment must be paid in order to proceed with closing
- May be filed as soon as judgment is issued the day of the hearing
- The fee is \$5.00 to prepare Abstract of Judgment
- It must be recorded at the County Clerk's office – additional fees apply
- All fees assessed to the Plaintiff will be added to the judgment

##### Writ of Execution

- The Writ of Execution is an order issued to the Constable/Sheriff's office to attempt to collect on judgment. It must be filed 30 days after judgment is issued. This order extends the life of the Abstract of Judgment an additional 10 years. A **current address (home/work)** must be provided by Plaintiff in order to process this request
- The fee is \$130.00
- All fees assessed to the Plaintiff will be added to the judgment

**DISCLAIMER:**

This is general information only concerning uncontested procedural matters. **This information is not intended to constitute legal advice or to take the place of an attorney.** The Judge and the court staff **are not allowed to give you legal advice or act as your attorney.** When you choose to represent yourself in court, it is your responsibility to protect your rights by informing yourself of law and procedures that affect your case.

Within the limitation of certain legislation and rules, the Plaintiff (*the person filing the suit*) has the option to file suit against the Defendant (*the person being sued*) in Justice Court.

**IMPORTANT HELPFUL LINKS**

**SELF REPRESENTED LITIGANTS:**

<https://www.tjctc.org/SRL.html>

**THE STATE BAR LAWYER REFERRAL & INFORMATION SERVICE:**

**PHONE (800) 252-9690**

<https://www.texasbar.com/Content/NavigationMenu/ForThePublic/DoYouNeedaLawyer/LawyerReferralServiceLRIS/default.htm>

**TEXAS RIO GRANDE LEGAL AID:**

**PHONE (888) 988-9996**

<http://www.trla.org/>