

SMALL CLAIMS & JUSTICE CIVIL INFORMATION SHEET

PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION

SMALL CLAIMS \$82.00
EL PASO COUNTY

JUSTICE CIVIL \$82.00
EL PASO COUNTY

1. The amount of money for which you may sue in Justice Court **is limited to \$10,000**. You may sue for money only in Small Claims Court. Suit for money or other items may be filed in Justice Civil Court.
2. In all civil suits, the defendant has the right to be sued in the county or precinct in which he resides. You must have a physical address (not just a post office box) for the defendant in order for him to be served.
3. In order for any potential judgment you may receive to be valid, it is necessary that you sue the defendant in his/her/their legal capacity as listed below:
 - **Personally** – An individual is responsible to you for damage he may have caused you as an individual. (e.g. John Doe.)
 - **Proprietor or Partnership** – A business that is not incorporated, but does have on file with County Clerk an assumed name. (e.g. John Doe dba Greenhouse Supplies)
 - **Corporation** – The business which allegedly caused you damage is incorporated, and therefore it is necessary to know the individual's name who is authorized to accept service on behalf of the corporation. You may obtain the name of the authorized agent for service from the Secretary of State at 1-800-252-1386. (e.g. Greenhouse Inc. dba Greenhouse Supplies. Serve: John Doe)
4. If, as a plaintiff, you are in the business of loaning money either primarily (banks, credit unions, savings & loans) or secondarily (credit cards), you are not allowed to file in Small Claims Court, but must file in Justice Civil Court. Any corporation with a case filed by them or against them in Justice Civil Court must have an attorney at trial. In Small Claims Court an attorney is permitted, but **not** required.
5. Once you have filed a suit, the Court will give you a receipt showing your cause (case) number and the office phone number so that you may call in periodically to determine the progress of your case. **It is of utmost importance that you refer to your case number when calling or transacting business with the Court.**
6. When you have completed the petition stating the facts and circumstances of your suit, a citation along with a copy of your petition will be served to the defendant notifying him that a suit has been filed against him in this Court. The citation will order the defendant to appear in this Court or to file a written answer to the suit on or before the Monday following the tenth day after his receipt of the citation, unless the Monday falls on a holiday. If he fails to do so, you then become eligible for a default judgment up until the time an answer is filed.
7. **You have the right to have your petition served by the Constable for a fee of \$55.00. You also have the right to have your petition sent by certified mail with a fee of \$5.21. It is your responsibility to call the office within two to three weeks after date filed to ensure your petition was served properly.**