

PLAINTIFF'S CIVIL INFORMATION

1. **A Civil Suit may be filed for property or its value. The filing fee in Justice Court is \$139.00.**
2. **We are not allowed to give you any legal advice or help you fill out the forms.**
3. If you choose not to hire an attorney, it is your responsibility to prepare all forms when filing a Small Claims of Justice Court suit. Our office will supply you with this packet of forms and samples.
4. It is your duty to provide us with the correct address or location of where service of citation can be implemented by the Constables office or by a Process Server.
5. When you are filing a Small Claims or Civil Suit, you are only making an allegation of recovery from a 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. Whenever possible you should have witnesses appear on the date of your court to testify in your behalf.
7. Be prepared to present any evidence of your claim on the date of your court.
8. If witnesses are required, you may subpoena them to court by asking for the subpoena and paying the required fee of \$85.00 per person. The subpoena should be requested at least 10 days prior to your court date.
9. After you present your case at trial as to your right to recover, the defendant then presents his/her defense to your claim.
10. After both the plaintiff and defendant have rested their case the court will enter a judgment.
11. After the judgment, either party has the right to file an appeal within 10 days.
12. If an appeal is not filed, 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/her does not have the money to pay you.**
2. You may accept payments on your judgment 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.
3. If you obtain a final judgment you may file an abstract, writ of execution or garnishment as after judgment remedies.
4. An abstract may be issued ten days from date of judgment. This abstract of judgment should be filed by you at the County Clerks Office in the County Courthouse in El Paso.
5. 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 fee for either the Constables Office or the Sheriff's Office to execute your writ is \$220.00. This fee will be charged to the defendant if your judgment is collected, however if they are unable to collect your judgment because the defendant has no money or property that is not exempt by law, then you will be responsible for the \$220.00. 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 THAT THE STATUTE OF LIMITATION TO FILE IS 2 YEARS OR LESS FROM THE DATE OF THE ACCIDENT, INCIDENT, OR TRANSACTION.

IF A CERTIFIED TRANSLATOR IS REQUESTED, IT IS YOUR RESPONSIBILITY TO PAY FOR THE SERVICES. (THE COUNTY NO LONGER PAYS FOR THIS SERVICE)

CIVIL INFORMACIÓN DE LA PARTE ACTORA

1. Una Demanda Civil puede presentarse de propiedad o su valor. La tasa de presentación en los tribunales de justicia es \$139.00.
2. No podemos darle ningún consejo legal o ayudar a completar los formularios.
3. Si no desea contratar a un abogado, es su responsabilidad para preparar todas las formas de presentación de un traje de corte de pequeños reclamos de justicia. Nuestra oficina le suministrará con este paquete de formularios y muestras de.
4. Es su deber que nos proporcione la dirección correcta o la ubicación de donde se pueden implementar servicios de citación por la Oficina de Alguaciles o un servidor de proceso.
5. Cuando usted presenta una menor cuantía o traje Civil, sólo están haciendo una alegación de recuperación de un acusado. El día de su juicio, usted debe estar preparado para probar su caso si el acusado niega las acusaciones de sus.
6. Usted debe recordar que la evidencia de oídas es inadmisible y no puede utilizarse si objetado por el demandado. Siempre que sea posible debe tener testigos que aparecen en la fecha de su corte a testificar en su nombre.
7. Estar preparado para presentar pruebas de su reclamo en la fecha de su corte.
8. Si necesita testigos, usted les puede citar a la corte pidiendo la citación y pagando la tasa correspondiente de \$85.00 por persona. La citación deberá solicitarse por lo menos 10 días antes de la fecha de corte.
9. Después de presentar su caso en el juicio en cuanto a su derecho a recuperar, el acusado presenta su defensa a su reclamo.
10. Después de que el demandante y el demandado han descansado en su caso el Tribunal entrará un juicio.
11. Después de la sentencia, cualquiera de las partes tiene derecho a presentar una apelación dentro de 10 días.
12. Si no se presenta una apelación, la sentencia es definitiva.

REMEDIOS DESPUÉS DE JUICIO

1. La corte sólo puede conceder un juicio y no puede garantizar que su juicio se pagará si el demandado demuestra que no tiene dinero para pagarle.
2. Puede aceptar pagos en su juicio y si el acusado por defecto en el acuerdo aún puede presentar para una ejecución en una fecha posterior para el equilibrio de su sentencia.
3. Si usted obtener una sentencia firme puede presentar un resumen, mandamiento de ejecución o embargo como luego de sentencia.
4. Un resumen podrá expedirse diez días desde la fecha del juicio. Este Resumen de la sentencia deberá presentarse por usted en la Oficina del Condado secretarios en el Tribunal del Condado del Paso.
5. Una ejecución podrán expedirse treinta días desde la fecha del juicio. El costo de un mandamiento de ejecución es \$5.00 pagadero a este Tribunal. La cuota para la Oficina de Alguaciles o la Oficina del Sheriff ejecutar su mandato es de \$220.00 esta tarifa se cobrará al acusado si se recoge su juicio, sin embargo, si el que están incapaz de recoger su juicio porque el acusado no tiene dinero o propiedad que no está exento por la ley, entonces usted será responsable por \$220.00. Si en este momento no creas que el acusado tiene los fondos para satisfacer su juicio puede solicitar su mandamiento de ejecución en una fecha posterior.

TENGA EN CUENTA QUE EL ESTATUTO DE LIMITACIÓN PARA PRESENTAR ES 2 AÑOS O MENOS DE LA FECHA DEL ACCIDENTE, INCIDENTE O TRANSACCIÓN.

SI UN CERTIFICADO SE SOLICITA TRADUCTOR, ES SU RESPONSABILIDAD PAGAR POR LOS SERVICIOS. (EL CONDADO YA NO PAGA POR ESTE SERVICIO)

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): _____ _____ _____ Defendant(s) _____ _____ _____ [Attach additional page as necessary to list all parties]
Address: _____	Fax: _____	
City/State/Zip: _____	State Bar No: _____	
Email: _____		
Signature: _____		
3. Indicate case type, or identify the most important issue in the case (<i>select only 1</i>):		
☐ 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.	

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) _____ In the Justice Court, Precinct _____,
El Paso County, Texas

PLAINTIFF _____

VS.

DEFENDANT(S): _____

Defendant(s) contact info: _____

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: _____.

☐

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____.

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

* LAST 3 NUMBERS OF DRIVER LICENSE: _____

* LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE #: _____

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

City

State

Zip

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



JUSTICE OF THE PEACE PRECINCT 6 PL. 1 EL PASO COUNTY, TEXAS

CASE NO. _____

Defendant's Name: _____
Nombre del Demandado

DOB: _____ SS#: XXX-XX-X_____
Fecha de Nacimiento Numero de Seguro Social

AFFIDAVIT
SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201 (b)
Declaracion Jurada
Sobre el acto de Proteccion SEC.201 (b) para miembros del servicio militar

PLAINTIFF BEING DULY SWORN ON HIS/HER OATH DEPOSES AND SAYS THAT DEFENDANT(S)
El demandante bajo juramento declara que los demandado (s)

- ☐ IS NOT IN THE MILITARY
No esta en los Servicios militares
- ☐ IS NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
No esta en el servicio active en los militares y/o
- ☐ NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE
No esta en pais extranjero en servicio militar
- ☐ IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICE MEMBERS RELIEF ACT OF 2003.
Esta en deber military active y/o esta conforme el acto de la relevacion de los miembros del servicio de 2003.
- ☐ DEFENDANT HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003.
El demandado ha renunciado sus derechos bajo acto de la relevacion de los miembros del servicio de 2003.
- ☐ MILITARY STATUS IS UNKNOWN AT THIS TIME. _____
El estado military es desconocido en este tiempo.

PLAINTIFF SIGNATURE /Firma de Demandante

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ day of _____, 20__.

☐ CLERK OF THE JUSTICE COURT/ ☐ NOTARY PUBLIC

*Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined \$10,000.00 as provided in Title 18, United States Code, or imprisoned for not more than one year or both.

*La pena para hacer o usar la declaracion jurada falsa que una persona hace o que utiliza una declaracion jurada que sabe serf also. Sera multada \$10,000 en la Manera prevista en el titulo19 Estados Unidos cifr, o encarcelado para no mas que un ano,o ambos.

Military status can be verified through this website: www.dmdc.osd.mil/scra/owa/home

El estado military se puede verificar con esta pagina de internet: www.dmdc.osd.mil/scra/owa/home

PLAINTIFF

Vs

NO. _____

DEFENDANT

*This sheet must be completed at time of filing claim. In English or Spanish.

*Esta pagina necesita estar completa al tiempo de poner la demanda. En Ingles o Espanol.

I _____ acknowledge that if I
need a certified translator at the time of trial. **I will be
responsible for obtaining a translator certified by the
state of Texas and the cost.**

Date: _____ Signature: _____

Date: _____ Clerk Signature: _____

Yo _____ reconosco que si
necesito un traductor certificado por El Estado de Tejas.
**Yo sere responsable por conseguir un traductor y el
costo.**

Fecha: _____ Firma: _____

Fecha: _____ Firma de Oficinista: _____

TEXAS RIO GRANDE LEGAL AID	1331 TEXAS AVE 79901	915-585-5183
LEGAL AID		1-888-988-9996
LAWYER REF. SERVICE		915-532-7052
SHERIFF HEADQUARTERS		
3850 JUSTICE DR.		915-546-2280
EL PASO, TEXAS 79938		915-546-2214
JUVENILE PROBATION DEPT		
INTAKE OFFICE-MANUEL TORRES	Linda Garcia	915-849-2673
Environmental Protection-Cristina Viesca Asst. County ATTY		915-546-2050 ext 3054
ON-SITE SEWAGE AND ENVIRONMENTAL SERVICES DEPT.		915-855-9664
CONSTABLES OFFICE-JAVIER GARCIA		915-851-2178
COMMISSIONER-ILLIANA HOLGUIN		915-546-2000
COUNTY ATTORNEY-JOANN BERNAL		915-546-2050
COUNTY CLERKS OFFICE-DELIA BRIONES		915-546-2071
DISTRICT CLERKS OFFICE- NORMA FAVELA BARCELEAU		915-546-2021
TOWN OF CLINT		915-851-3146
GENERAL ASSISTANCE- MICHAEL FLORES		915-546-8150

**RIO GRANDE COUNCIL OF GOVERNMENTS DISPUTE
RESOLUTION CENTER**

If you need help resolving a conflict or have a lawsuit you would like to settle..... The El Paso county Dispute Resolution Center may be able to help call 533-4800 or 546-8189
8037 Lockheed Ste-100 El Paso, Texas 79925

**RIO GRANDE COUNCIL OF GOVERNMENTS DISPUTE
RESOLUTION CENTER**

Si necesita ayuda con algun conflicto o tiene una demanda que quiere resolver El centro de Mediacion del condado de El Paso le puede asistir llame al 533-4800 or 546-8189
8037 Lockheed Ste-100 El Paso, Texas 79925