

JUDGE JAMES A. "TONY" DUNCAN  
PCT. 3, PL. 1, HENDERSON COUNTY, TX  
PO BOX 835 / CHANDLER, TX 75758  
903-849-2222 / FAX 903-849-6111

CAUSE NO. S3-

**PLAINTIFF'S ORIGINAL SMALL CLAIMS CASE PETITION**

**PLAINTIFF NAME:** \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

**DEFENDANT NAME:** \_\_\_\_\_

IF CORPORATION/COMPANY-AGENT FOR SERVICE: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

LAST 3 NUMBERS OF DRIVERS LICENSE: \_\_\_\_\_ LAST 3 OF SOCIAL SECURITY: \_\_\_\_\_

**COMPLAINT:** The basis for the claim which entitles the plaintiff to seek relief against the defendant is:  
(Briefly state the nature of the claim): \_\_\_\_\_

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

**RELIEF:** Plaintiff seeks damages in the amount of \$ \_\_\_\_\_, and/or return of personal property described as follows (be specific): \_\_\_\_\_  
\_\_\_\_\_ which has a value of \$ \_\_\_\_\_. Additionally the Plaintiff seeks the following:

\_\_\_\_\_

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

\_\_\_\_\_  
**SIGNATURE OF ATTY. FOR PLAINTIFF**  
(if applicable)

ADDRESS/CITY/ZIP (For Plaintiff Attorney) \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

Check if you wish to give your consent for the answer and any other motions or pleadings to be sent to you by email.  
My email address is: \_\_\_\_\_

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

\_\_\_\_\_  
JUDGE TONY DUNCAN

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

**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. \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff**

In the Justice Court of

Vs.

Henderson County, Texas

Precinct 3

\_\_\_\_\_  
**Defendant**

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.

**MILITARY STATUS AFFIDAVIT  
SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201(b)**

Plaintiff being duly sworn on his oath deposes\* and says that defendant is (are):

*(Check One)*

- not in the military
- not on active duty in the military and/or
- not in a foreign country on military service
- on active military duty and/or is subject to the Service Members Relief Act of 2003
- defendant has waived his/her rights under the Service Members Relief Act of 2003
- military status is unknown at this time

I know this status because: \_\_\_\_\_

\_\_\_\_\_  
**PLAINTIFF**

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

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

OR

\_\_\_\_\_  
Notary of Public, State of Texas

\_\_\_\_\_  
Clerk of the Court

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

CAUSE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

JUSTICE OF THE PEACE

VS.

PRECINCT 3, PLACE 1

\_\_\_\_\_  
DEFENDANT

HENDERSON COUNTY, TX

**PLAINTIFF'S CERTIFICATE OF LAST KNOWN ADDRESS**

Pursuant to TRCP 503.1 Plaintiff is to certify to the court the last known address of the Defendant is as follows:

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF

## 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.

<p><b>1. Contact information for person completing case information sheet:</b></p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p><b>2. Names of parties in case:</b></p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
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**3. Indicate case type, or identify the most important issue in the case (select only 1):**

<p><input type="checkbox"/> <b>Debt Claim:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Eviction:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> <b>Repair and Remedy:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Small Claims:</b> 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>