

# **Self-Help Legal Information Packet:** **Filing a Small Claims Case**



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## **What is a Small Claims Case?**

When a person or company feels like someone else owes them money or has personal property that belongs to them, they can come to justice court and file a lawsuit called a **small claims case**. The person or company who files the case is called the **plaintiff** and the person or company they file the case against is called the **defendant**.

## **What Can I File a Small Claims Case For?**

You can file a small claims case if you have a claim that is within the justice court's **jurisdiction**, meaning the type of cases that court can hear. The four most common reasons that plaintiffs file small claims cases are:

- 1) The defendant made a promise and then didn't honor the promise, which caused the plaintiff to lose money (breach of contract);
- 2) The defendant owes money to the plaintiff and will not pay;
- 3) The defendant did something that caused damage to the plaintiff's property or caused injury to the plaintiff; or
- 4) The defendant is in possession of personal property that belongs to the plaintiff.

## **What Can I Not File a Small Claims Case For?**

You cannot file a small claims case if:

- 1) The amount of money you are trying to recover is more than \$20,000,

- 2) You are trying to recover a piece of personal property that is worth more than \$20,000 (a hearing may be necessary after you file a case for the judge to determine if the property is worth more than \$20,000),
- 3) You are trying to recover or obtain title to **real property** (land), or
- 4) You are suing for defamation, libel, or slander (things the defendant has said or published about you that you believe to be false and harmful).

You also **cannot** get an order from a justice court to make a party do something or stop doing something. For example, you could **not** get an order from the justice court to make the defendant perform services that you paid for but didn't receive, stop posting things about you on Facebook, or cut down a tree that is hanging over your property.

## **Who Do I File a Small Claims Case Against?**

You must file the case against the person or company that is responsible for your **damages** (lost money) or that has your personal property. If you are suing a business that is not a corporation, you should check with the county clerk to see who the owners or partners of the business are. If the business is a corporation, you will need the name of the registered agent, president, or vice-president of the corporation.

To determine the legal nature of a business, you may:

- 1) Go to the Assumed Names Records maintained by the County Clerk
- 2) Contact the Corporation Division of the Office of the Secretary of State at 512-463-5555, or go to their web page

at <http://www.sos.state.tx.us/help.shtml>, to find information and assistance, or

- 3) Contact the Office of the State Comptroller at 1-800-252-1386.

## **When Can I File a Small Claims Case?**

You can only file your claim for a certain amount of time after the incident occurs. This is called the **statute of limitations**. In a breach of contract case, the time period is four years, unless the contract gives a different time period. In most other cases, the time period is two years.

If you file a case where the statute of limitations has run out, you will lose the case. If you are unsure if the statute of limitations has run out in your case, you may wish to consult an attorney.

## **Where Do I File a Small Claims Case?**

Small claims cases are filed in a justice court and the case will be heard in front of the justice of the peace. You can technically file the small claims case in any justice court in Texas. However, if you file in the wrong **venue** (location), the defendant can have the case moved to the right location. If that happens, you may have to pay the filing fees again, so it is a good idea to file the case in the right venue to start with.

So, what is the right venue? Generally, a case can be filed:

- 1) In the precinct and county where the defendant lives,

- 2) In the precinct and county where the contract was going to be performed, if it is a contract case,
- 3) In the precinct and county where the damage to property or injury to the plaintiff occurred, or
- 4) In the precinct and county where the personal property the plaintiff is suing for is located.

## **How Do I File a Small Claims Case?**

The first step in filing a case (unless you are suing a doctor for medical malpractice, in which case you should consult with an attorney) is to file a **petition**, which is a form that says who you are suing, why you are suing them, how much you are suing them for, and provides contact information. The court will likely have petition forms for you to use.

When you file the petition, you will have to pay a filing fee of \$54. Also, the petition and **citation** (the notice from the court to the defendant that they have been sued) must be **served on** (delivered to) the defendant. This can be done in person or by certified mail or registered mail, and if it is done by mail there must be a return receipt requested, with restricted delivery.

**IMPORTANT** - You are not allowed to serve the paperwork yourself! You can either hire a private process server to serve the paperwork, or pay for the constable, sheriff, or clerk of the court to serve the paperwork. The fee for this service varies from county to county, see the court for details.

If you win your case, you will be awarded the fees that you had to pay, in addition to any other money you are entitled to recover.

## **What if I Can't Afford to File a Case?**

Courts must not deny you access to justice simply because you cannot afford filing fees or service fees. If you are unable to pay those fees, fill out a **Statement of Inability to Afford Payment of Court Costs** form - the court must provide this form to you.

You must swear to the information that you provide on this form and can face legal consequences if you do not fill it out to the best of your ability. Fill out the form completely and truthfully!

## **Do I Need a Lawyer to File a Case?**

While you are allowed to have a lawyer in a small claims case, the rules and procedures are designed to be simple and straightforward, allowing people to seek justice without needing to hire a lawyer.

If you do not have a lawyer, the judge may allow you to be assisted in court by a family member or other person who is not being paid to assist you. This person can help you understand the proceedings and advise you, though that person cannot speak for you in court.

The court is required to make the Rules of Civil Procedure available to you at no cost. Rules 500-507 are the rules that specifically apply to small claims cases.

The court is **not** allowed to give you advice on whether you will win a case or not, whether you should file a case, who you should file a case against, or what steps you should take to win your case or collect your judgment.

Questions the court **can** answer for you are questions like “What do I need to do to have a jury trial?” or “How many days do I have to file an appeal?”

Questions the court **cannot** answer for you are questions like “Can I sue someone for this?” or “Who should I sue?” or “Is it a good idea to get a jury for this case?” or “Am I going to win?”

If, after reviewing these materials and the rules for small claims cases, you still are not sure what to do, it may be best to consult an attorney.

## **What Happens After I File a Small Claims Case?**

**IMPORTANT** - Make sure to keep your address updated with the court and the other party so that you will receive any paperwork or notices sent to you.

The court will generate the **citation**, which tells the defendant that they are being sued. The citation then must be served on the defendant. You can either pay the service fee for the constable or sheriff to serve the citation (or submit a Statement of Inability showing you cannot afford the fee) or hire a private process server to serve it on the defendant.

Once the defendant is served with the citation, they have 14 days to file an **answer**, which is their response to your lawsuit. They are required to send you a copy of their answer. If the defendant does answer, the court will set your case either for trial or for a **pre-trial hearing**.

At a pre-trial hearing, you can discuss any issues such as the need for an interpreter, or for the court to **subpoena** a witness (order them to come to trial to testify).

## **What if the Defendant Doesn't Answer?**

If the defendant doesn't file an answer within the 14 day period, you can ask the court for a **default judgment hearing**, where you can prove to the court that you are entitled to money or personal property and be awarded a judgment.

To get a default judgment, you will also need to provide the last known address of the defendant to the court in writing, as well as an **affidavit** (document signed in front of the clerk or a notary, that you swear to be true) stating either:

- 1) the defendant is on active duty in the U.S. military,
- 2) the defendant is not on active duty in the U.S. military, or
- 3) that you do not know if the defendant is on active duty in the U.S. military.

This affidavit must also state in writing how you know whether the defendant is on active duty in the U.S. military or why you are unable to determine the defendant's military status.

You can verify military service at <https://scra.dmdc.osd.mil/>.

## **What is Discovery?**

Discovery is the exchange of information between people or companies involved in a lawsuit before the case goes to trial. For information about discovery after a judgment, please see the section on "What if I Win My Small Claims Case?" Discovery must be approved by the judge before the other party has to provide any information or answer any questions.

If you have discovery questions that you want the defendant to answer, submit them to the court with a request for discovery.



Requesting the court to do something is called a **motion**, so you would be making a “motion for discovery.”

The judge will only approve “reasonable and necessary” discovery, so if you have discovery requests, make sure they actually relate to the case. For example, asking for copies of emails that the defendant sent to a subcontractor about the deck work they did for you is likely reasonable, and asking for a copy of all emails from the defendant over the last three years is likely not.

If you receive a discovery request that has been approved by the judge, you must respond with the requested information or you can file an objection with the court. If you object, the court will hold a hearing to decide if you have to provide the information. **Do not** just ignore a discovery request, you could face penalties from the judge, possibly including dismissal of your case!

## **How Do I Send Paperwork to the Defendant?**

Any paperwork such as motions, requests for a hearing, appeals, etc., must be sent to the defendant as well as to the court. You can send those papers to the defendant by:

- 1) delivering it to them in person,
- 2) mailing it to them using certified or registered mail,
- 3) using a delivery service such as FedEx or UPS,
- 4) faxing it to them, or
- 5) sending it by email if the defendant provided their email address for document delivery and agreed to email service in writing.

On the copy you give to the court, you must write down how and when the paperwork was delivered to the defendant.

## What if We Reach an Agreement?

If the case goes to trial, usually there will be a “winner” and a “loser,” resulting in someone being happy and someone being unhappy. To reduce that risk, parties will often come to a **settlement**, or an agreement on how to resolve the case. If you come to a settlement agreement, the court can enter a judgment reflecting how much money is awarded. However, the court cannot put specific orders in the judgment, such as payment plans or deadlines. If you wish to have those in your settlement agreement, you would need to create a written contract, signed by both parties. If the defendant does not honor that written agreement, you could file a new lawsuit for breach of contract.

## Can I Have a Jury Trial?

Yes. Either side in a small claims case may request a jury trial. You must make a request in writing to the court at least 14 days before the date set for trial and pay a jury fee of \$22.

If no one requests a jury, the trial will be heard by only the judge, which is called a bench trial.

## What if I Need More Time for Trial?

The court will send you a trial notice at least 45 days before the trial date. If you need more time or you have a conflict with that date, you can file a motion (request) for **postponement**, also called a **continuance**. You should explain in writing why you need the postponement. **Do not** just decide not to show up

on your trial date! That will probably result in your case being dismissed.

## **What Happens at the Trial?**

**Be sure to bring all of your witnesses and documents with you on your trial date!** If the trial is a jury trial, the first step will be jury selection, which is formally called **voir dire**.

Next, you will be able to give an opening statement if you wish, where you explain to the judge and jury what the case is about.

After that, you will call any witnesses you have, and ask them questions so they can **testify**, or tell their story, to the judge or jury. The defendant will also be able to ask your witnesses questions. You can also testify yourself and show any evidence you may have (such as documents, contracts, cancelled checks, receipts, etc.).

Next, the defendant can present any evidence and call any witnesses that they may have. You get to ask questions of any witnesses they call, which is called **cross-examination**. You may ask the witnesses questions that relate to the facts of the case, but must remain calm, polite, and respectful of the court process, even if you disagree with what the witness says.

Finally, each side can make a final statement, called a **closing argument**, where you explain why you think you should win.

After that, the decision will be made by the jury if there is one, or by the judge if there is no jury. The decision will be announced in open court, and a written **judgment** will be made available.

## What Happens if I Lose My Small Claims Case?

If the judgment is in favor of the defendant, you can file a **motion for new trial** within 14 days of the judgment. That means that you want a “do over” in the same justice court. You would need to show that justice wasn’t done in the original case. If you file a motion for new trial, you must pay a filing fee of \$54 or file a Statement of Inability to Afford Payment of Court Costs. You must also send a copy of the motion to the defendant within one day of filing it with the court.

Another option is to file an **appeal**, which is a request for the county court to hear your case. You can file an appeal within 21 days of the judgment, or if you filed a motion for new trial that was denied, you can appeal within 21 days of that denial.

If you properly file an appeal, the county court will hear the case over from scratch (de novo) and the judgment of the justice court will go away. There will be a new judgment from the county court based on the evidence presented there.

To appeal, you will have to file either:

- 1) An **appeal bond** (promise from another person, called a **surety**, to pay the bond amount to the defendant if you don’t pursue the appeal) in the amount of \$500;
- 2) A cash deposit of \$500, which may be awarded to the defendant if you don’t pursue the appeal; or
- 3) A Statement of Inability to Afford Payment of Court Costs if you cannot afford an appeal bond or cash deposit.

If you appeal with an appeal bond or a cash deposit, you must pay a filing fee of \$54 or file a Statement of Inability to Afford

Payment of Court Costs. You must also send a notice of the appeal to the defendant within seven days.

Once your appeal is filed with the county court, you will be required to pay a separate filing fee for the county court or file a Statement of Inability to Afford Payment of Court Costs.

## **What Happens if I Win My Small Claims Case?**

If the judgment is in your favor, you will almost surely not walk out of court with a check in the full amount of the judgment. The defendant might file a motion for new trial or an appeal. If they don't, it is your responsibility, not the court's, to pursue enforcement of the civil judgment. Below is a brief description of some of the tools that you can use to enforce a judgment.

**WARNING:** Not all of these tools may be useful in any given situation. If you are unsure which of these to use, you may wish to consult with an attorney.

**Post-Judgment Discovery:** You can send questions to the defendant that they must answer describing what assets they may have that could be used to satisfy a judgment. The defendant gets at least 30 days to respond to these discovery requests. It is not required to get the judge's approval for post-judgment discovery.

**Abstract of Judgment:** If the defendant owns real property (land), you can get an abstract of judgment from the court that issued the judgment and file it with the county clerk in the county or counties where the defendant owns the property. This puts a **lien** on the property in your name, which means if they

sell the property, you could receive some of the proceeds to satisfy the judgment.

**Writ of Execution:** This is an order for the constable to go out and seize the defendant's personal property and sell it to satisfy the judgment. **IMPORTANT** - many items of personal property are **exempt**, meaning it is not legal for the constable to seize them and sell them.

To get a writ of execution, you file an application with the court that issued the judgment, at least 30 days after judgment.

**Writ of Garnishment:** This is used when another person or company has money or property that belongs to the defendant, and they are ordered to give it to you to satisfy the judgment. Almost always this is used to take money from a bank account held by the defendant.

To get a writ of garnishment, you file an application including an affidavit (sworn statement) explaining why you are entitled to the garnishment with the court that issued the judgment.

**IMPORTANT** - if the person or company has no money or property belonging to the defendant, you may be responsible for paying attorney fees related to their response. Be very sure that a writ of garnishment is the best option before getting one.

## **Resources**

Texas Lawyer Referral Service - (800) 252-9690

To check military status - <https://scra.dmdc.osd.mil/>

Texas Justice Court Training Center information for self-represented litigants - [www.tjctc.org/SRL](http://www.tjctc.org/SRL)

Office of Court Administration Self-Represented Litigant Site:  
[www.txcourts.gov/programs-services/self-help/self-represented-litigants/](http://www.txcourts.gov/programs-services/self-help/self-represented-litigants/)

State Bar of Texas Information, including Legal Information and Low or No-Cost Legal Assistance: [www.texasbar.com](http://www.texasbar.com), and then click on “For The Public.”

Forms and Information, including for other types of cases -  
[www.texaslawhelp.org](http://www.texaslawhelp.org)

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

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT

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PRECINCT NO. \_\_\_\_\_

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\_\_\_\_\_ COUNTY, TEXAS

**PETITION: SMALL CLAIMS CASE**

**Defendant(s) address:** \_\_\_\_\_  
\_\_\_\_\_

**COMPLAINT:** The basis for the claim which entitles Plaintiff to seek relief against Defendant is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RELIEF:** Plaintiff seeks:  damages in the amount of \$\_\_\_\_\_,  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 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: \_\_\_\_\_  
\_\_\_\_\_

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: \_\_\_\_\_



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Plaintiff's Printed Name

---

Signature of Plaintiff  
or Plaintiff's Attorney

**Defendant's Information** (if known):

Date of birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

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Address of Plaintiff  
or Plaintiff's Attorney

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City                      State                      Zip

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Phone & Fax No. of Plaintiff  
or Plaintiff's Attorney

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

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PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT  
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§ PRECINCT NO. \_\_\_\_\_  
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§ \_\_\_\_\_ COUNTY, TEXAS

**REQUEST FOR ISSUANCE OF A SUBPOENA**

As a party to the above styled and numbered case, or that party's duly authorized agent, I hereby request the issuance of a Subpoena pursuant to Rule 500.8 of the Texas Rules of Civil Procedure for each of the following witnesses:

1. NAME OF WITNESS

ADDRESS OF WITNESS

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

The witness listed above is required to bring the following books, papers, documents, or tangible things as follows:

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

2. NAME OF WITNESS

ADDRESS OF WITNESS

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

The witness listed above is required to bring the following books, papers, documents, or tangible things as follows:

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

APPLICANT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address & Phone Number

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Request for Issuance of a Subpoena was served the \_\_\_ day of \_\_\_\_\_, 20\_\_ on: \_\_\_\_\_, pursuant to Texas Rule of Civil Procedure 501.4 by:

- Personal delivery
- Mail
- Fax
- Email (if both parties have agreed in writing and provided an email address)
- Another method approved by the court: \_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

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

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PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT  
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§ PRECINCT NO. \_\_\_\_\_  
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§ \_\_\_\_\_ COUNTY, TEXAS

**MOTION TO REINSTATE PLAINTIFF'S CASE**

**COMES NOW** \_\_\_\_\_, Plaintiff in the above-numbered cause, pursuant to Rule 505.3(a), and requests the court reinstate the case. Plaintiff would show the court good cause to reinstate the case as follows:

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

(Additional explanation may be attached).

**DATE SUBMITTED** (must be within 14 days of signed judgment): \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Motion for New Trial was served on: \_\_\_\_\_, pursuant to Texas Rule of Civil Procedure 501.4 by:

- Personal delivery
- Mail
- Fax
- Email (if both parties have agreed in writing and provided an email address)
- Another method approved by the court: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature

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

\_\_\_\_\_  
PLAINTIFF

v.

\_\_\_\_\_  
DEFENDANT

§ IN THE JUSTICE COURT §  
§  
§ PRECINCT NO. \_\_\_\_\_  
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§ \_\_\_\_\_ COUNTY, TEXAS

**MOTION FOR NEW TRIAL**

COMES NOW \_\_\_\_\_:

- Plaintiff
- Defendant

in the above-numbered cause, pursuant to Rule 505.3(c), and requests the court grant a motion for new trial. Applicant would show the court justice was not done in the trial of the case as follows:

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

(Additional explanation may be attached).

DATE SUBMITTED (must be within 14 days of signed judgment): \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Motion for New Trial was served on: \_\_\_\_\_, pursuant to Texas Rule of Civil Procedure 501.4 by:

- Personal delivery
- Mail
- Fax
- Email (if both parties have agreed in writing and provided an email address)
- Another method approved by the court: \_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

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

\_\_\_\_\_  
PLAINTIFF

§ IN THE JUSTICE COURT

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§ PRECINCT NO. \_\_\_\_\_

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\_\_\_\_\_  
DEFENDANT

§ \_\_\_\_\_ COUNTY, TEXAS

**APPEAL BOND - PLAINTIFF**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Justice Court of Precinct \_\_\_\_\_, \_\_\_\_\_ County, Texas, a judgment was issued in the above styled cause from which Plaintiff desires to appeal to the County Court of \_\_\_\_\_ County, Texas;

- THEREFORE**, we, Plaintiff and \_\_\_\_\_ and \_\_\_\_\_ as surety, acknowledge ourselves bound to pay the Defendant the amount of:
  - \$ 500.00. (Small Claims or Debt Claim)
  - \$ \_\_\_\_\_, which is the amount determined by the court including consideration of Tex. R. Civ. P. 510.11. (Eviction)

We acknowledge the bond is conditioned that this cause shall be prosecuted through appeal, and shall pay off and satisfy any judgment determined on appeal.

\_\_\_\_\_  
Surety's Signature

\_\_\_\_\_  
Surety's Signature

- THEREFORE**, Plaintiff, in lieu of obtaining a surety, elects to deposit current money of the United States with the Court. Defendant acknowledges him or herself bound to pay the Defendant the amount of:
  - \$ 500.00. (Small Claims or Debt Claim)
  - \$ \_\_\_\_\_, which is the amount determined by the court including consideration of Tex. R. Civ. P. 510.11. (Eviction)

I acknowledge the bond is conditioned that this cause shall be prosecuted through appeal, and shall pay off and satisfy any judgment determined on appeal. Plaintiff has deposited this amount with the Court.

**WITNESSED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Plaintiff's Signature

**ISSUED AND SIGNED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
\_\_\_\_\_ COUNTY, TEXAS

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

\_\_\_\_\_  
PLAINTIFF

§ IN THE JUSTICE COURT

v.

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\_\_\_\_\_  
DEFENDANT

PRECINCT NO. \_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**APPLICATION FOR WRIT OF EXECUTION**

The undersigned Applicant makes this Application for a Writ of Execution based on the following:

1. The judgment creditor has a judgment dated \_\_\_\_\_ against the judgment debtor in the above styled case.
2. The total amount of the judgment awarded was (including interest, costs, and attorneys' fees) \$ \_\_\_\_\_ at an interest rate of \_\_\_\_\_%.
3. The judgment debtor has paid \$ \_\_\_\_\_.
4. The judgment creditor seeks the Sheriff or Constable to execute on (select one):
  - The sum of the judgment and interest;
  - Particular property, specifically:  
\_\_\_\_\_  
(Additional list may be attached); or
  - Particular property, specifically:  
\_\_\_\_\_  
(Additional list may be attached), or the sum of the value of the property found to be \$ \_\_\_\_\_ if the above specific property cannot be located.
5. The judgment debtor seeks a return of the execution within:
  - 30
  - 60, or
  - 90 days.

Therefore the judgment creditor requests that this court issue a Writ of Execution authorizing a sheriff or constable to seize non-exempt property to satisfy the judgment.

**APPLICANT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address & Phone Number

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

\_\_\_\_\_  
PLAINTIFF

§ IN THE JUSTICE COURT

v.

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\_\_\_\_\_  
DEFENDANT

PRECINCT NO. \_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**APPLICATION FOR WRIT OF GARNISHMENT**

The undersigned Applicant makes this Application for a Writ of Garnishment based on the following:

- I have a suit for debt. The debt is just, due, and unpaid. To the best of my knowledge, the defendant does not possess property in Texas subject to execution sufficient to satisfy the debt. The garnishment is not sought to injure the defendant or the garnishee. I have posted a bond in accordance with Texas Rules of Civil Procedure 658a.
- I have a valid, subsisting judgment. To the best of my knowledge, the defendant does not possess property in Texas subject to execution sufficient to satisfy the judgment.

The following facts support the above designation:

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

(Additional information or affidavits may be attached).

The Defendant in the original suit: \_\_\_\_\_

The cause number of the original suit: \_\_\_\_\_

The amount of judgment/debt owed as of the date of the application: \$ \_\_\_\_\_

The judgment date, if any: \_\_\_\_\_

The Garnishee's name: \_\_\_\_\_

The Garnishee's address for service: \_\_\_\_\_

The Garnishee's officer for service purposes, if applicable: \_\_\_\_\_

Account name and number, if applicable: \_\_\_\_\_

**WHEREFORE** the applicant seeks assets held by a third party (Garnishee) and requests this court to issue a Writ of Garnishment directed to the above named Garnishee.



**APPLICANT:**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address & Phone Number

**SWORN TO AND SUBSCRIBED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**  
**AVISO: ESTE DOCUMENTO CONTIENE INFORMACIÓN**  
**CONFIDENCIAL**



**Statement of Inability to Afford Payment  
of Court Costs or an Appeal Bond**  
**Declaración sobre Incapacidad de Pago de Costas  
de Tribunal o de una Fianza de Apelación**

**Cause Number**  
**Número de Caso**

\_\_\_\_\_

The Clerk's office will fill in the Cause Number when you file this form.

El Secretario del Tribunal anotará el Número de Caso cuando usted presente este formulario.

\_\_\_\_\_  
v.  
\_\_\_\_\_

Copy information listed at the top left of the petition here.

Copie aquí la información ubicada en la parte superior izquierda del escrito de la demanda.

Copy information listed at the top right of the petition here.

Copie aquí la información ubicada en la parte superior derecha del escrito de la demanda.

\_\_\_\_\_  
Court Number  
Número del Tribunal

\_\_\_\_\_, Texas  
County  
Condado

- District Court  
Tribunal de Distrito
- County Court  
Tribunal del Condado
- County Court at Law  
Tribunal Estatutario
- Justice Court  
Juzgado de Paz
- Probate Court  
Juzgado Sucesorio

**1. Your Information / Su Información**

- My full legal name is / Mi nombre legal completo es

\_\_\_\_\_

First Middle Last / Nombre de Pila Segundo Nombre Apellido

- My date of birth is / Mi fecha de nacimiento es

\_\_\_\_\_

Month Day Year / Mes Día Año

- My address is / Mi dirección es

Home / Domicilio \_\_\_\_\_

Mailing / Dirección Postal \_\_\_\_\_

- My phone number / Mi número telefónico \_\_\_\_\_

- My email I check often / Mi correo electrónico que reviso con frecuencia

\_\_\_\_\_

**Go to next page**



**Pase a la siguiente página**

**2. About My Dependents / Mis Dependientes**

“The people who depend on me financially are listed below.” **Use initials only for children under 18.** If needed, attach a separate piece of paper to list more dependents.

“Las personas a continuación dependen económicamente de mí.” **Use iniciales para los menores de 18 años** y, si es necesario, anexe una hoja por separado para enumerar a todos sus dependientes.

Name Nombre	Age Edad	Relationship to me Parentesco Conmigo

**3. Are you represented by Legal Aid? ¿Está siendo representado por alguna entidad de asistencia legal?**

**Check only one box. Seleccione solo una casilla.**

- I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as “Exhibit: Legal Aid Certificate.”

Me está representando gratuitamente un abogado que trabaja para una entidad de asistencia legal o que recibió mi caso de una entidad de asistencia legal. El certificado que la entidad de asistencia legal me entregó lo adjunto bajo el título, “Anexo: Certificado de Asistencia Legal.”

or / o

- I am not represented by legal aid.

No me está representando ninguna entidad de asistencia legal.



#### 4. Public Benefits / Beneficios de Asistencia Pública

- Do you or any of your dependents receive public benefits?  
*¿Recibe usted o sus dependientes beneficios de asistencia pública?*

Yes / *Sí*  No / *No*

- If you answered yes, check all that apply and attach proof to this form, such as a copy of an eligibility form or check.

Si respondió con un Sí, marque todas las casillas que apliquen y adjunte a este formulario comprobantes, tales como una copia de la carta autorizando que reciba estos beneficios o una copia del cheque que recibe.

- |   |   |
|---|---|
| <input type="checkbox"/> Food stamps/SNAP<br>Cupones de comida/SNAP   | <input type="checkbox"/> TANF   |
| <input type="checkbox"/> Medicaid   | <input type="checkbox"/> CHIP   |
| <input type="checkbox"/> SSI/SSDI   | <input type="checkbox"/> WIC  |
| <input type="checkbox"/> Lifeline   | <input type="checkbox"/> Public Housing or Section 8 Housing<br>Asistencia de Vivienda / Programa de<br>Vivienda bajo Sección 8   |
| <input type="checkbox"/> Low-Income Home Energy<br>Assistance<br>Asistencia con Energía<br>Eléctrica  | <input type="checkbox"/> Community Care via HHS<br>Ayuda Comunitaria bajo HHS   |
| <input type="checkbox"/> LIS in Medicare ("Extra Help")<br>Subsidio Adicional de Medicare<br>bajo el Programa LIS                                       | <input type="checkbox"/> Needs-based VA Pension<br>Pensión para Veteranos de Guerra en<br>función a necesidades   |
| <input type="checkbox"/> Child Care Assistance under<br>Child Care and Development<br>Block Grant<br>Asistencia con Guardería bajo<br>el Programa CCDBG | <input type="checkbox"/> County Assistance, County Health<br>Care, or General Assistance (GA)<br>Asistencia del Condado, Asistencia<br>Médica del Condado, o Asistencia<br>General (GA) |
| <input type="checkbox"/> Other / Otros beneficios   | <input type="checkbox"/> Other / Otros beneficios   |
- \_\_\_\_\_



**5. What are your monthly income sources? ¿Cuáles son sus fuentes de ingresos mensuales?**

➤ My **take-home** pay is \$ \_\_\_\_\_ in monthly wages.

Mi **pago neto** es \$ \_\_\_\_\_ en sueldo mensual.

➤ I work as a \_\_\_\_\_ (your job title) for \_\_\_\_\_ (your employer).

Yo trabajo como \_\_\_\_\_ (título de su puesto) para \_\_\_\_\_ (compañía o jefe).

➤ \$ \_\_\_\_\_ is my total **monthly** income / son mis ingresos totales **al mes**.

These are my income sources. Estas son mis fuentes de ingresos.

➤ \$ \_\_\_\_\_ in unemployment / en beneficios de desempleo.

I have been unemployed since \_\_\_\_\_ (date).

He estado desempleado desde \_\_\_\_\_ (indique fecha).

➤ \$ \_\_\_\_\_ in public benefits / en beneficios de Asistencia Pública.

➤ \$ \_\_\_\_\_ from people in my household other than my spouse / de ingresos de otras personas en mi hogar que no son de mi cónyuge.

➤ \$ \_\_\_\_\_ from retirement or pension / de jubilación o pensión.

➤ \$ \_\_\_\_\_ from tips or bonus / de propinas o bonos.

➤ \$ \_\_\_\_\_ from disability / de discapacidad.

➤ \$ \_\_\_\_\_ from worker's comp / de compensación al trabajador.

➤ \$ \_\_\_\_\_ from social security / de seguro social.



- \$ \_\_\_\_\_ from military housing / de vivienda militar.
- \$ \_\_\_\_\_ from dividends, interest, or royalties / de dividendos, intereses, o regalías.
- \$ \_\_\_\_\_ from child or spousal support / de manutención de menores o manutención conyugal recibida.
- Answer only if your spouse is not your opponent. Responda tan sólo si su ccónyuge no es parte contraria en esta causa legal. \$ \_\_\_\_\_ from my spouse's income / de ingresos de mi cónyuge.
- \$ \_\_\_\_\_ from other jobs/sources of income / de otros trabajos/ fuentes de ingresos.

Describe / describa:

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Go to next page



Pase a la siguiente página

**6. What is the value of your assets or property? ¿Cuál es el valor de sus bienes o propiedades?**

My property includes: Mis bienes incluyen:	Value / Valor
	<p>The value is the amount the item would sell for less the amount you still owe on it, if anything.</p> <p>El valor de sus bienes es la cantidad por la que la propiedad o pertenencia se vendería, menos el monto que aún se adeuda, si lo hubiera.</p>
<p>➤ Cash Dinero en efectivo</p>	\$
<p>➤ Bank accounts, other financial assets Cuentas bancarias, otros bienes financieros</p>	
	\$
	\$
	\$
<p>➤ Cars and boats (make and year) Automóviles, lanchas (modelo y año)</p>	
	\$
	\$
	\$
<p>➤ Other property like jewelry, stocks, land, a second house. (Do not list your homestead.) Otros bienes como joyas, acciones, terrenos, una segunda casa. (No indique su hogar familiar.)</p>	
	\$
	\$
	\$
<p><b>Total Value of Property</b> <b>Valor Total de Sus Bienes</b></p>	\$





**7. What are your monthly expenses that are not deducted from your paycheck?  
¿Cuáles son sus gastos mensuales que no son descontados de su cheque de sueldo?**

My monthly expenses are: Mis gastos mensuales son:	Amount Cantidad
➤ Rent/house payments; maintenance Alquiler/hipoteca; mantenimiento de casa	\$
➤ Food and household supplies Alimentos y artículos para el hogar	\$
➤ Utilities and telephone Luz, gas, agua y teléfono	\$
➤ Clothing and laundry Ropa y lavado de ropa	\$
➤ Medical and dental expenses Gastos médicos y dentales	\$
➤ Insurance (life, health, auto, etc.) Seguros (de vida, médico, de automóvil etc.)	\$
➤ School and childcare Escuelas y guarderías	\$
➤ Transportation, auto repair, gas Transportación, reparaciones de automóviles, gasolina	\$
➤ Child/Spousal support Manutención a Menores/Manutención Conyugal	\$
➤ Debt payments to (list): Pagos por deudas hechas a (indíquelos):	
	\$
	\$
➤ Wages withheld by court order Sueldo retenido por orden judicial	\$
➤ Other expenses (list): Otros gastos (indíquelos):	
	\$
	\$
<b>Total Monthly Expenses Gastos Totales Mensuales</b>	<b>\$</b>



**8. Are there debts or other facts explaining your financial situation?  
¿Hay deudas u otros factores que expliquen su situación económica?**

My debts include (list debt and amount owed):

Mis duedas incluyen (indique deuda y la cantidad que debe):

	\$
	\$
	\$
	\$
	\$

If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts."

Si usted desea que el tribunal considere otros factores, tales como gastos médicos excepcionales, emergencias familiares, etc., adjunte al formulario otra hoja con esta información y bajo el título, "Anexo: Información Adicional de Apoyo."

**9. Ability to Pay Court Costs. Declaración sobre su Habilidad de Pagar Costas de Tribunal**

Check only one box. Seleccione tan solo una casilla.

- I cannot afford to pay court costs. No puedo pagar las costas de tribunal.
- I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision, and I cannot afford to pay court costs.

No puedo aportar una fianza de apelación ni pagar un depósito en efectivo para apelar la decisión judicial de un magistrado, y no puedo pagar costas de tribunal.

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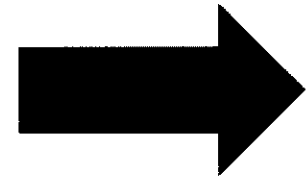
**Pase a la siguiente página**

**10. Declaration/Affidavit. Declaración Escrita Bajo Juramento.**

Fill out **only one** box. If you fill out the Declaration, you will not need to sign the form in front of a notary public. If you do not want to list your address for privacy or safety concerns, take the form and photo identification, and fill out the Affidavit box in front of a notary public.

Llene tan **solo una** opción. Si usted llena la Declaración, no necesitará firmar el formulario ante un notario. Si usted no quiere que aparezca su domicilio en el documento para conservar su privacidad o por motivos de su seguridad, lleve el formulario y una identificación con fotografía y llene la sección de la Declaración Escrita Bajo Juramento ante un Notario.

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Pase a la siguiente página

## Option 1 / Opción 1

**Declaration:** I declare under penalty of perjury that the foregoing is true and correct.

**Declaración:** Yo declaro bajo pena de perjurio que la información a continuación es correcta y verdadera.

➤ My name is / Mi nombre es

---

➤ My date of birth is / Mi fecha de nacimiento es

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

➤ My address is / Mi domicilio es

---

Street, city, zip, country

Calle y número, ciudad, estado, código postal, país

➤

---

Signature  
Firma

➤

10/20/2022

---

Date (month, day, year)  
Fecha (mes, día, año)

➤

---

County, state  
Condado, estado

# Go to next page



# Pase a la siguiente página

## Option 2 / Opción 2

**Affidavit:** I swear under penalty of perjury that the foregoing is true and correct.

**Declaración Escrita Bajo Juramento:** Yo juro bajo pena de perjurio, que lo que precede es correcto y verdadero.

**You fill out this section.**

**Usted llena esta sección.**

➤ \_\_\_\_\_  
Your printed name  
Su nombre en letra de molde

➤ \_\_\_\_\_  
Your signature  
Su firma

**The notary fills out this section.**

**El Notario llena esta sección.**

➤ \_\_\_\_\_

Subscribed before me this day of  
Juramentado y suscrito ante mí el día de hoy del mes de

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY  
NOTARIO

