

CAUSE NO. _____

PLAINTIFF

§ IN THE JUSTICE COURT

§

§

v.

§ PRECINCT 3

§

§

DEFENDANT

§ LUBBOCK COUNTY, TEXAS

PROCESS SERVER:

Constable or Private process server: _____ (name & number)

PETITION: SMALL CLAIMS CASE

I. DEFENDANT(S) ADDRESS:

II. COMPLAINT: Plaintiff files this suit against Defendant based upon the following facts:

III. 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:

IV. SERVICE OF CITATION: Service is requested on Defendant(s) by:

Personal service at home or work,

Registered mail, or

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 _____ 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.

VIII. **REMOTE PARTICIPATION**

Hearing by Phone Call: (*When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.*)

- Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.
- No, I am not able to have hearings by phone call.

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.

Respectfully submitted,

Signature of Plaintiff

Signature of Attorney, if any

Printed Name: _____

Printed Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

State Bar No.: _____

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 3
	§	
_____	§	
DEFENDANT	§	LUBBOCK COUNTY, TEXAS

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

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

SWORN TO AND SUBSCRIBED before me on _____, 20____.

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.*



How to Obtain a Military Status Report

1. Go to the SCRA Website: <https://scra.dmdc.osd.mil/scra/#/home>

There is a shortcut tab for this site on the two Pro Se computers in the Law Library (3rd Floor Annex).

Please note for a single record request regarding your specified individual, a SSN is NOT REQUIRED. Providing additional details such as First Name, Middle Name, -OR- SSN, if already known, will increase the accuracy of the match. If birthdate is entered, use the following format MM/DD/YYYY. If date of birth is not known, enter today's date. The birthdate field should now have a checkmark on the right side. No dates before January 1, 1900, and no future dates are allowed. If you receive a red error message as you fill in your information, sometimes removing punctuation will resolve the issue.

- FYI: Without a Social Security Number or correct date of birth, DMDC cannot authoritatively assert that this is the same individual that your query refers to. Name and date of birth alone do not uniquely identify an individual. **(You may enter 9 zeros for the Social Security Number in BOTH columns if you are having trouble proceeding)**

2. To begin, you will need to create an account. Your USERNAME must be 4-30 characters and contain only letters, numbers, and special characters from this list: . _ @

3. The PASSWORD you select must contain 14-26 characters. It also must contain **at least one** of each of the following:

Lowercase Letter

Uppercase Letter

Number

Special Characters from this list: ! # \$ % & * < >

The same character may not be repeated more than twice in a row.

4. Use the 14 spaces below to create your password. You may use up to a maximum of 26 characters.

— — — — — — — — — — — — — — —

5. Confirm the password by re-typing it. Your password will expire every 60 days. After 90 days of inactivity, your account will be disabled and you will be required to create a new account.

6. Answer the security questions in case your identity needs to be verified in the future.

7. This site will frequently ask you to select certain photos (reCAPTCHA) to verify that you are not a computer.

8. When you log in to the site, select "Single Record Request" from the red band across the top.

9. Enter either an SSN (if known) or birthdate for the individual. You may enter both if you choose.

10. You may be prompted by a reCAPTCHA and asked to verify before continuing.

11. Click "Submit."

12. Your Status Report will pop up in the bottom left-hand corner as a PDF.

13. Open it and print it.

14. For information related to the Servicemembers Civil Relief Act or a service member's status, call 1-800-538-9552.

15. For information related to technical issues with the website or website assistance, call 1-800-477-8227.