**FILLING A SMALL CLAIMS/DEBT LAIM SUIT**

**JURISDICTION:**

 **Small Claims Cases:**

 A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. Amount of claim for damages in the suit cannot exceed $10.000.00, excluding statutory interest and court costs, but does include attorney fees if any. Small claims cases are governed by Rules 500-507 of Part V of the Rules of Civil Procedure for Justice Courts.

 **Debt Claim Cases:**

A debt claim case is 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 cannot be for more than $10.000.00 excluding statutory interest and court cost by does include attorney fees if any. Debt claim cases in Justice Court are governed by rules 500-507 Part V of the Rules of Civil Procedure.

 **Venue:**

 General Rule. Generally a defendant in a small claims case or a debt claim case is entitled to be sued in one of the following venues:

1. The county and precinct where the defendant resides;
2. The county and precinct where the incident, or the majority of incidents , that gave rise to the claim occurred;
3. The county and precinct where the contract or agreement, if any, that gave rise to the claim was to be performed; or
4. The county and precinct where the property is located, in a suit to recover personal property.

**Filing Suit:**

The **responsibility for filling out your civil case information sheet rests with you**. Court Clerks will assist if you have procedural questions.

**Citation:**

**The plaintiff is responsible for service of citation, therefore you must know the correct address for service**.

**Discovery:**

**Pretrial discovery:** Pretrial discovery is limited to that which the judge considers reasonable and necessary. A request for pretrial discovery must be presented to the court for approval in written motion. The motion must be served on the responding party, if the judge issues a signed order approving the request. Failure to comply with a discovery order can result in sanctions.

**Presentation:**

You as an individual may represent in Justice Court or you may have an attorney represent you, The Rules of Evidence do not apply in Justice Court.

**Answer:**

The defendant in the suit is commanded to answer to the Court, in writing, by the first Monday following the expiration of fourteen (!4) days from the date the citation is served upon them.

Trial by Judge or Jury:

Either party has the right to request the trial by jury otherwise it will be a bench trial. A written demand for a jury trial must be filed no later than 14 days before the case is set for trial.

If the defendant in the suit files a written answer, the court will set a trial date approx. six to eight weeks after service. Notice will be mailed to both parties stating hearing date and time. Any request for continuance must be submitted to the court in written form for judge’s approval.

If the defendant in the suit fails to file a written answer, the plaintiff may seek a default judgment against the defendant.

**After Judgment:**

After judgment either party may file a motion for a new trial within 14 days or appeal to County Court within 21 days.

The party receiving judgment may file an Abstract of Judgement any time but is not perfected to be filed with County Court Clerk until the expiration of the 21 day appeal time. A writ of execution may likewise be requested any time after judgment but may not be served until 30 days after judgement is signed. If your address changeS within 10years after judgment you must notify the court.

**LEGAL QUESTIONS WILL NOT BE ANSWERED BY THIS OFFICE**