

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 _____, 20____.

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 _____, 20____.

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 _____, 20_____.

PLAINTIFF