

Case No. _____

Plaintiff(s)

v.

Defendant(s)§
§
§
§
§
§
§

In the Justice Court

Countywide

County of Lipscomb

State of Texas

Small Claims Petition

(This form must be accompanied by a Justice Court Civil Case Information Sheet)
 (For all addresses, you **MUST** include number, street, apartment number, city, state, & zip code.)

NOW COMES the above named **Plaintiff(s)** in the above entitled and numbered cause complaining of the above named **Defendant(s)**, who can be notified and/or served with citation at the following address:

1st Defendant's address:_____
ADDRESS and APT NO. or SUITE_____
CITY STATE ZIP_____
OTHER, if any

Phone _____ FAX _____

Check one:☐ **Registered agent** for service, Or ☐ **2nd** Defendant

NAME _____

ADDRESS _____

CITY STATE ZIP _____

OTHER _____

Phone _____ FAX _____

☐ Defendant(s) is/are justly indebted to Plaintiff(s) for return of the following described property valued at \$ _____:

Or

☐ Defendant(s) is/are justly indebted to Plaintiff(s) in the sum of \$ _____ for the following reason(s):

AND there are no counterclaims existing in favor of Defendant(s) against Plaintiff(s) except: _____

Plaintiff(s) request(s) a judgment for a sum of **money** against Defendant(s), plus pre-judgment interest, plus reasonable attorney fees, plus all costs of court, plus post-judgment interest at the highest legal rate.

X

Signature of **Plaintiff**, Plaintiff's authorized agent, **or**_____
Address, Apartment or Suite No._____
City State Zip

Phone _____ FAX _____

X

Signature of **Plaintiff's Attorney** (if applicable)_____
Attorney Address and Suite No._____
Attorney City Attorney State Attorney Zip

Phone _____ FAX _____

Bar Card #

____ (initial) I consent to email service of the answer and any other motions or pleadings, to my email address

Email address

THE SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act ("SCRA") is a federal law which imposes certain procedural requirements in civil cases to protect members of the armed services and their families. These requirements apply to any court of any state whether or not the court is a court of record.

In any case in which the defendant does not make an appearance, before entering a judgment for the plaintiff the court "shall require the plaintiff to file with the court an affidavit:

- (A) stating whether or not the defendant is in military service and *showing necessary facts to support the affidavit*; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that *the plaintiff is unable to determine whether or not the defendant is in military service*.

If the plaintiff fails to file an affidavit under the SCRA in an eviction case, the court may not grant a default judgment. Likewise, if the plaintiff files an affidavit stating that the defendant is not in military service, but fails to "show necessary facts to support the affidavit," the court may not grant a default judgment.

(Typically, plaintiffs will attach a printout from the Department of Defense website (<https://www.dmdc.osd.mil/scra/owa/home>) but they are not required to use that form as long as they show "necessary facts" to support the affidavit. For example, in one case a plaintiff attached an affidavit from the defendant's mother stating that he was not in military service.)

A source that can be used to determine the Military Status of a Defendant, is the following Service Member's Civil Relief Act website:

<https://www.dmdc.osd.mil/scra/owa/home>

Or, if you are unable to use this website you may request Active Duty Verifications by mail:

You must provide a SSN and a last name. The birth date is optional, but suggested when available. The SSN must match for the DMDC to identify an individual as on Active Duty.

Military verification requests by mail can be sent with a self-addressed stamped envelope to the following address.

Defense Manpower Data Center Attn: Military Verification 1600 Wilson Blvd., Suite 400 Arlington, VA 22209-2593

Please note Defense Manpower will not process your request without a self-addressed stamped envelope.

CASE NO. _____ - _____

IN THE JUSTICE COURT

Plaintiff

COUNTYWIDE

Vs.

LIPSCOMB COUNTY,

Defendant

TEXAS

STATE OF TEXAS
COUNTY OF LIPSCOMB

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me the undersigned notary or clerk of the justice court, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury (fine and/or up to one year in jail), stated the following:

My name is [please print] _____

I am [check one] () the plaintiff or () an authorized agent of the plaintiff in the case described at the top right of this page. I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

[check the appropriate box and fill in the blanks as applicable]

☐ **No defendant in this case is on active duty** in the U. S. military (Army, Navy, Air Force, Marines, or Coast Guard), and no defendant is a dependant of a servicemember on active military duty. The facts upon which I base my knowledge conclusions are as follows: _____

☐ Defendant **[insert name(s)] _____**
is on active duty in the U. S. military.

☐ The undersigned (if the undersigned is acting agent of plaintiff) is not able to determine whether any defendant is with the U. S. military.

☐ Defendant **[insert name(s)] _____**
has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U. S. Servicemembers Civil Relief Act of 2003.

x _____
Signature of Affiant

SWORN TO and SUBSCRIBED before me by _____ on _____, 20____.

[check one] () Notary Public for State of Texas or () Clerk/Justice the Peace