

**PETITION: SMALL CLAIMS CASE**

CASE NO. (court use only) \_\_\_\_\_

In the Justice Court, Precinct 1, Guadalupe County,

Texas PLAINTIFF \_\_\_\_\_

VS.

DEFENDANT(S): \_\_\_\_\_

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

**COMPLAINT:** The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

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

**RELIEF:** Plaintiff seeks damages in the amount of \$ \_\_\_\_\_, and/or 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 defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

\_\_\_\_\_.

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please

check this box, and provide your valid email address: \_\_\_\_\_.

\_\_\_\_\_  
Petitioner's Printed Name

\_\_\_\_\_  
Signature of Plaintiff or Attorney

**DEFENDANT(S) INFORMATION** (if known):  
**DATE OF BIRTH:** \_\_\_\_\_

\_\_\_\_\_  
Address of Plaintiff's Attorney, if any, or Plaintiff if none

**\*LAST 3 NUMBERS OF DRIVER LICENSE:** \_\_\_\_\_

\_\_\_\_\_  
City State Zip

**\*LAST 3 NUMBERS OF SOCIAL SECURITY:** \_\_\_\_\_

**DEFENDANT'S PHONE NUMBER:** \_\_\_\_\_

\_\_\_\_\_  
Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

**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://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

## Military Status Affidavit

Case No. \_\_\_\_\_ § In the Justice Court of  
\_\_\_\_\_ § ""Guadalupe County, Texas  
Plaintiff §  
vs. §  
\_\_\_\_\_ § Precinct \_\_\_\_\_, Place \_\_\_\_\_  
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.

\_\_\_\_\_, Defendant, **is not** in military service.

\_\_\_\_\_, Defendant, **is** in military service.

I know this because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I am unable to determine whether or not the Defendant is in military service.

Signed on \_\_\_\_\_

\_\_\_\_\_  
*Signature*  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas