

JUDGE CLYDE E. DRAKE
Justice of the Peace, Pct. 3
Austin County, Texas
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Sealy, Texas 77474
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It is not possible to include information sufficient to meet all facts and circumstances and you are urged to consult with an attorney. We have made every effort to set out information accurately, but we do not warrant the reliability or appropriateness of the information for a particular purpose, and we do not assume liability for any consequences resulting from your reliance on the information presented.

Please read this information completely before filing your suit. Legal advice can only be obtained from an attorney. Court Clerks are trained in procedure only, and cannot give any legal advice.

The Texas Statutes

The Texas Statutes are available on-line at <http://www.statutes.legis.state.tx.us>

**NEW RULES FOR ALL JUSTICE OF THE PEACE COURTS IN
TEXAS TAKE EFFECT AUGUST 31, 2013**

YOU MAY FIND THESE NEW RULES in
Texas Rules of Civil Procedure
Part V. Rules of Practice in Justice Courts

500 - 510

Jurisdiction

A **Debt Claim** case is a 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 can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any

A **Small Claims** case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

An **Eviction** case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case of the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

A **Repair and Remedy** case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

Venue

A suit should be filed in the County and Precinct where one or more of the Defendants reside.

Certificate of Last Known Address

The plaintiff requesting a default judgment must file a Certificate of Last Known Address certifying to the court the last known mailing address of the party against whom the default judgment is taken, so that the Court can notify the defendant of the entry of the judgment. *See Rule 239a, Texas Rules of Civil Procedure.*

Requesting a Continuance

A party requesting a continuance of a case must state good cause for requesting the postponement, and the request must be supported by affidavit. The request must be received by the Court no later than *three working days* prior to your Court Date.