

Debt Claim Suit

A Debt Claim case is a lawsuit brought to recover a debt by an assignees 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 \$10,000.00, excluding statutory interest and court costs but including attorney fees, if any. Debt Claim cases in Justice Court are governed by Rules 500-507 and 508 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 508 and the rest of Part V, Rule 508 applies.

You are responsible for suing the correct party in their correct capacity. Nothing within this section should be construed as legal advice. Court costs in the amount of **\$51.00** are due at the time of filing (does not include service fee of **\$80.00** per defendant).

Once you have filed the petition stating the facts and circumstances of your suit, a citation will be served to the defendant notifying him of the fact that suit has been filed against him in this court.

The citation will order the defendant to answer this suit by the end of the 14th day from the receipt of the citation. If he fails to do so, you then become eligible for a default judgment. The judge may enter a default judgment without a hearing if the plaintiff submits sufficient written evidence of its damages and should do so to avoid undue expense and delay. Otherwise, the plaintiff may request a default judgment hearing at which the plaintiff must appear, in person and prove its damages.

If the defendant answers the suit, this court will refer your case to a Pretrial setting and will notify both parties of the setting by mail. We encourage **AGREED** Motions for Continuance, as they are automatically approved. Any request for a continuance must be in proper written form and timely filed. This court requires three (3) days written notice for a continuance.

If you have witnesses who will not come to court voluntarily, you may come in one week prior to the trial and ask that a subpoena be prepared to secure their presence. Notarized statements from individuals are of very little value. Personal appearance and testimony is much more beneficial.

Should you receive judgment, the court does not collect the judgment. However, you may request an Abstract of Judgment and/or Writ of Execution to help you in collection of this judgment.

If you have any other procedural question, please call our Civil Department which will try to answer them. Court personnel are strictly prohibited from answering any legal questions. More information about Abstracts and Writs may be found at the law library or the internet site referred to earlier in this section, or by consulting an attorney.

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