

**NOTE:** A Small Claims Case is governed by Rules 500-507 of the Rules of Practice in Justice Courts. The claim can be for no more than \$10,000, including attorney fees, if any, and excluding statutory interest and court costs. For information about filing the Small Claims Case go to: <http://www.jp.hctx.net/suits/filingSC.html>

**Small Claims Petition**

NO. \_\_\_\_\_

_____	§	In the Justice Court of Harris County, Texas
_____	§	Precinct 2, Place 2
Plaintiff(s)	§	
vs.	§	101 South Richey Street, Suite B
_____	§	Pasadena, Texas 77506
_____	§	713-274-6100
Defendant(s)	§	
Plaintiff: _____ (Name)		

(If Plaintiff is a business) The Plaintiff is a  sole proprietorship,  partnership,  corporation, and the name of the person authorized to represent the Plaintiff is \_\_\_\_\_, who is: an  owner,  employee,  officer,  a partner of the Plaintiff.

Defendant: \_\_\_\_\_ (Name)

(If Defendant is a business) The Defendant is a  sole proprietorship,  partnership,  corporation, and the name of the person authorized to accept service of process is \_\_\_\_\_, and that person's title or capacity is \_\_\_\_\_.

Address for service of process: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Date of Birth (if applicable): \_\_\_\_\_

**Cause of Action and Date Cause of Action Accrued**

(State the cause of action in plain and concise language, including when the acts giving rise to the cause of action occurred, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, describe the property and state its value.)

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**Relief Requested** (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

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

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff or Plaintiff's Attorney of Record

Printed Name: \_\_\_\_\_  
State Bar No. \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.



**DOLORES LOZANO**

JUSTICE OF THE PEACE  
PRECINCT 2 PLACE 2

101 S. Richey Street, Suite B  
Pasadena, Texas 77506  
713-274-6100

## SERVICE OF PROCESS

### LEGAL NATURE OF DEFENDANT

Defendants may be natural persons - individuals, or persons doing business in the form of a sole proprietorship or partnership; a defendant may be a corporation, or some form of limited liability company. The legal nature of the defendant determines how a citation is to be directed and upon whom the citation is to be served.

To determine the legal nature of a business entity, the plaintiff may:

- Go to the Assumed Names Records maintained by the County Clerk
- Contact the Corporation Division of the Office of the Secretary of State at 512-463-5555, or go to the Texas Secretary of State's web page, at <http://www.sos.state.tx.us/help.shtml> to find information and assistance.
- Contact the Office of the State Comptroller at 1-800-252-1386.

### PREPARING THE CITATION

The clerk must have sufficient information as to the legal nature of the defendant in order properly to prepare the citation. The citation must direct the person authorized to serve process to serve the defendant in the proper manner.

**Individuals.** Citation directed to individuals is effected by delivery directly to the person.

**Sole Proprietorships.** Citation directed to a sole proprietorship is directed to the owner of the business, for example:

JOHN DOE, Individually and doing business as ACME SERVICES, or ACME SERVICES, by serving its owner, JOHN DOE

**Partnership.** Citation directed to a partnership is directed to at least one member of the partnership, and service effected on that one member authorizes a judgment against the partnership and the partner actually served. See *Sec. 17.022, Texas Civil Practice and Remedies Code*. Only partners served can be held personally liable. If several partners are jointly indebted under a contract and the citation has been served on at least one but not all of the partners, judgment may be rendered only against the partnership and against the partners who were actually served. No personal judgment or execution may be had against any partner who was not served. See *Sec. 31.003, Texas Civil Practice and Remedies Code*. See also *Sec. 5.255, Texas Business Organizations Code; Sec. 152.306, Texas Business Organizations Code*. For example:

ACME SERVICES GROUP, by serving its Partner, JOHN DOE at 1234 Main Street Houston, Texas 77000

**Limited Partnership (LP).** Citation directed to a limited partnership is directed to a general partner or the registered agent. Limited partners, if they do not have any control of business decisions, are not liable for the debts of a limited partnership. See *Sec. 153.102, Texas Business Organizations Code*. See also *Sec. 5.255, Texas Business Organizations Code*. For example:

ACME SERVICES GROUP, a Texas limited partnership, by serving its General Partner, JOHN DOE

**Corporation.** Citation directed to a corporation is directed to its registered agent, or its president or any of its vice-presidents, See *Sec. 5.255, Texas Business Organizations Code*. For example:

ACME SERVICES, INC., by serving its registered agent, JOHN DOE

ACME SERVICES, INC., by serving its President, John Doe

If the corporation's registered agent cannot be found at the registered office, then service of process may be made on the Secretary of State. See *Sec. 5.251, Texas Business Organizations Code*.

**Limited Liability Partnership (LLP).** Citation directed to a limited liability partnership is directed to the registered agent or a general partner. See *Sec. 5.255, Texas Business Organizations Code*. See also *Sec. 152.801(d)(3), Texas Business Organizations Code*.

**Limited Liability Company (LLC).** Citation directed to a limited liability company is directed to its manager or a member, as appropriate, or the registered agent. See *Sec. 5.255, Texas Business Organizations Code*. See also *Sec. 101.113, Texas Business Organizations Code; Sec. 101.114, Texas Business Organizations Code*. For example:

ACME SERVICES GROUP, LLC, by serving its Manager, JOHN DOE

ACME SERVICES GROUP, LLC, by serving its Registered Agent, JOHN DOE

**If Agent is an Organization.** A registered agent that is an organization must have an employee available at the registered office during normal business hours to receive service of process, notice, or demand. Any employee of the organization may receive service at the registered office. See *Sec. 5.201(d), Texas Business Organizations Code*.