

Defendant information sheet/Small Claims, Justice Court

*Check web page at: www.epcounty.com/jp/jp2 to print defendants answer form, *or come by office to pick up

*Must be filled out and returned back to court within the time (5 days or 10 days) as indicated on citation

Prepared By: Judge Sissy Hernandez

This is not a legal document, for information only

- When you are sued and served with a citation from the **Constable**, You **must** file an answer in writing with the Court within 5 days (Eviction Case) within 10 days (Civil Cases) some Civil cases MUST have a sworn answer, example (account with AT&T) (please read your citation and answer every thing correctly) **and send a copy to the plaintiff** or Attorney (address on citation).
- **The Judge is not permitted to discuss the case with you prior to trial.** If you have a question about procedures, please ask the Clerk. If you have a legal question, please ask your attorney.
- ➤ If you contest the suit, you may ask for a trial by Judge or before a jury. If you desire a jury trial, you must request it (**ASAP**) and pay a \$5.00 jury fee.
- ➤ You may represent yourself or hire an attorney to represent you.
- ➤ You or your attorney is required to notify the Court Clerk immediately if your address changes during the course of this suit. Failure to do so may result in a fine.
- ➤ You should prepare a proper defense if you go to trial even though the burden of prove is on the plaintiff.
- ➤ After the plaintiff presents his case at the trial as to his/hers right to recover, you are then allowed to present your defense as to why he/she should not recover.
- ➤ Remember that hearsay evidence is inadmissible and cannot be used if objected by the plaintiff. Examples (what other people said, affidavits).
- ➤ If witnesses are required, you may subpoena them to Court by asking for the subpoena and paying the required fee. The subpoena should be requested at least **fifteen (15) days before trail.**
- ➤ When plaintiff and you rest your case, the Court will enter a judgment that plaintiff recovers from you all, part or nothing.
- ➤ If a judgment is rendered against you, you may appeal the ruling of this Court to the County Court within ten (10) days, and pay required bond or fees.
- ➤ Should the Court rule that the plaintiff recovers nothing from you, the plaintiff may appeal within ten (10) days.
- ➤ Should the plaintiff recover a judgment against you and you do not appeal it, the plaintiff may then take further legal action against you to collect the amount of the judgment plus court cost and interest.
- ➤ The plaintiff may ask for a Writ of Execution be issued to the Constable or Sheriff to collect the judgment from you by levying on certain belongings that you own and sold at public auction until judgment is paid in full.
- ➤ The plaintiff may obtain an Abstract of judgment from the Court and file it with the County Clerk; this will go against your credit and accrues interest until paid in full.
- ➤ The plaintiff may file for a Writ of Garnishment, (to garnish money, or assets belonging to you).