

Justice of the Peace, Precinct 2 Instructions for Filing Justice Court Cases

VENUE:

Generally, suit should be filed in the county and precinct where one or more defendants reside. (Civil Practice and Remedies Code 15.082) However, there are many exceptions to this Rule. {**Evictions:** Cases of Forcible Detainer and Forcible Entry and Detainer must be filed in the precinct of the county where all or part of the leased premises is located. Refunds will not be given for improperly filed cases. It is up to the filing parties to verify the venue for the case filed}

JURISDICTION:

Jurisdiction (what the Court may render judgment for) in Justice Court suits is for civil matters in which exclusive jurisdiction is not in the county or district court and in which the amount in controversy is not more than \$10,000.00, exclusive of interest and court costs, but including attorney fees, if any. Justice Court also has jurisdiction over suits for foreclosure for foreclosure of mortgages and enforcement of liens on personal property where the amount in controversy is not more than \$10,000.00, exclusive of interest and court costs, but including attorney fees, if any.

APPEAL:

All cases brought before this court are susceptible to an appeal. If you feel your case should be appealed, please refer to Rule 506 of the Texas Rules for Court (**As in all matters brought before this court, it is recommended that you seek legal advice prior to taking any legal action.**)

TRIAL:

Upon answer by the Defendant, the case will be set on a docket with at least 45 day notice. If the Defendant fails to answer, the case will be placed on a Default Judgment docket **at the request of the Plaintiff.**

FEES:

The filing fee is **\$41.00** for **Small Claims** and **Debt Claim** Cases. In addition there is a fee for serving the defendant, which is **\$75.00** per defendant to be served in Wood County by a Constable or Deputy Sheriff. (**\$116.00** total for one defendant to be served in Wood County by a Constable or Deputy Sheriff, – payable in cash, money order, or cashier's check to WOOD COUNTY JP2). **Eviction** Cases and **Repair and Remedy** Cases have a filing fee of **\$41.00**. In addition to the filing fee, there is a serving fee of **\$75.00** per defendant. **A Writ of Possession fee will be \$130.00.** An additional service fee will be charged for each defendant. Papers served out of county may have additional service fees. **At the time of filing, please provide the court with the original petition and two (2) copies.** For information concerning other fees relating to these cases such as Subpoenas issued, Jury Trial, etc., contact the Clerks of the Court.

DISCOVERY:

Discovery in all cases is **NOT** mandatory unless Ordered by the Judge of the Court. For Discovery to be enforced, a Motion for Discovery **must** be provided to the court and an Order indicating the Judge's ruling issued with the Citation.

**FOR NEW JUSTICE COURT RULES GO TO
www.mywoodcounty.com
and click on any JP in order to read them.**