

Justice Court Petition

NO. _____

Plaintiff(s) § In the Justice Court of
§ Harris County, Texas
§ Precinct _____ Place _____
§
vs. § _____
§ _____
§ _____
Defendant(s) § _____
§ _____

Plaintiff: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax Number: _____

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

Defendant: _____

Address: _____

City: _____ State: _____ Zip: _____ Date of Birth (if applicable): _____

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

Defendant may be served by serving _____
(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

(state the address for service of process).

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. Include information showing that venue is proper in the Justice of the Peace Precinct in which you are filing.)

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

Respectfully submitted,

Signature of Plaintiff

Address: _____

Telephone: _____ Fax Number: _____

E-Mail Address: _____

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Service of Citation

*Service of Process: No judgment may be rendered against a defendant unless the defendant has been properly served with process. Defendants may be natural persons, individuals, or persons doing business in the form of sole proprietorships, or partnerships, or corporations. Any individual doing business under an assumed name, or any business operating in the form of a partnership or corporation, may sue or be sued in the business name, but service of process must be properly accomplished.

Service of process directed to individuals is effected by delivery directly to the person. Service of process on business entities is more difficult and must be accomplished by service on an agent or person authorized to accept service.

For example, if a defendant is a partnership, the citation may be directed to one member of the partnership, and service effected on that one member authorizes a judgment against the partnership and the partner actually served. See *Section 17.022, Texas Civil Practice and Remedies Code*.

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 *Section 31.003, Texas Civil Practice and Remedies Code*.

If the defendant is a limited partnership, each general partner and the registered agent of a limited partnership may be served with citation in order to effect service of process. See *Section 1.08 of the Texas Limited Partnership Act, Art. 6132a-1, Texas Civil Statutes*.

If the defendant is a corporation, citation may be served by serving the corporation's president or any vice-president, or the corporation's registered agent. If the corporation's registered agent cannot be found at the corporation's registered office, then service of process may be made on the Secretary of State. See *Art. 2.11, Texas Business Corporation Act*.

If the defendant is a limited liability company, the manager, if any, and the registered agent shall be agents upon whom citation may be served. See *Art. 2.08 of the Texas Limited Liability Company Act, Art. 1528n, Texas Civil Statutes*.

To determine the exact legal nature of a business entity, the plaintiff may look at the Assumed Name Records maintained by the County Clerk, or contact the Corporation Division of the Office of the Secretary of State, or the Office of the State Comptroller.