

Information About Responding to a Debt Claim Case

You have been sued for a debt you allegedly owe. The person suing you must prove that they have the right to collect the debt and that you owe the debt. You have the right to ask for proof and dispute any information at that you do not agree with. You may hire an attorney, but it is not required.

Warning: This information and the *Defendant's Answer* form are not legal advice and are not a substitute for the help of a lawyer. It is a good idea to talk with a lawyer about your situation.

I got served with a Citation and Petition, now what? The Court, not the plaintiff, issued the citation which tells you that you are being sued. The petition was created by the plaintiff, and it will provide details of why the plaintiff is suing you, and how much money they are suing for. (Note -- The plaintiff in a debt claim case may be a business that you are not familiar with. Often, debts are sold to other companies for collection. Do not fail to respond just because you do not recognize the plaintiff!)

An *Answer* is your response to the lawsuit. There is no cost to file an answer. **You must file an answer within 14 days from the date you are served.** If you do not file an answer by the deadline, the Court can enter a default judgment against you, without further notice. This means you will owe the plaintiff money, without having had your day in court. Then, if you do not pay this judgment, the plaintiff may get other court orders allowing seizure of your money or property. If this happens, there will be extra costs which you will have to pay.

How do I file an answer? For your convenience, **an answer form is attached.** Follow these steps to complete and file your answer:

Notice: The court staff is not allowed to give legal advice or assist you in completing this answer form. If you need help, see the "Additional Information" section, below.

Step 1: Determine the deadline to file your answer. Find the day you were served on a calendar, count out 14 days (including weekends and Holidays). You must file your answer with the court on or before this day. If the court is closed on the day your answer is due, then your answer is due the next day the court is open.

Step 2: Fill out the Answer Form. When completing the form:

- **Case name.** You are the "defendant" the other side is the "plaintiff."
- **Case information.** Find the cause number, court number, county, and court type on the petition filed by the plaintiff. Write the same cause number, court number, county, and court type in the corresponding places on the form.
- **Defenses.** Check the boxes for any defenses that apply to your case.

- **Service by email.** Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. There is a place in the answer form for you to indicate you want to use email when possible.
- **Certificate of Service.** Fill out the Certificate of Service to show how you will give the plaintiff's lawyer (or the plaintiff if the plaintiff does not have a lawyer) a copy of your answer.
- **Complete and sign.** Fill out the contact information and sign at the signature line.
- **Copies.** Make one copy of your completed answer form for yourself and one copy for the plaintiff.

Step 3: File (turn in) your answer to the court.

- **File at the court.** To file in person, take your answer (and two copies) to the appropriate Justice of the Peace courts at the Lubbock County Courthouse, 904 Broadway, Lubbock, TX. The clerk will “file stamp” your forms with the date and time. The clerk will keep the original and return your copies. One copy is for you and the other copy is for the plaintiff.
- **File by mail.** You may mail the original answer to the court at:

Aurora Chaides Hernandez

Lubbock County Justice of the Peace, Precinct # 3

PO Box 10536

Lubbock, TX 79401

(Please include the precinct number in the address. The precinct number appears in the citation and petition served on you.)

Step 4: Send a copy of your answer to the plaintiff. If the plaintiff has a lawyer, send it to the lawyer instead of directly to the plaintiff. You can send it by:

- Personal delivery
- Mail or courier (for example FedEx)
- Fax
- Email (only allowed if plaintiff provided an email address in their petition and agreed to receive service by email)

The plaintiff's contact information will be available in the petition they filed, which is attached to the citation that you received.

What happens after I file an answer. Lubbock County Justice Courts encourage the peaceful resolution of disputes and early settlement of lawsuits. When you file an answer, the court will

refer the case to the Office of Dispute Resolution for Lubbock County (ODR) for court-ordered mediation. Mediation is an informal meeting between the plaintiff, the defendant, and an impartial person who is trained to assist the parties in resolving the issues of the case before trial. There is no cost for mediation. ODR will notify you when mediation is scheduled and gather some additional information for the mediators. For your convenience, you have the option of appearing for the mediation in person, by telephone or by videoconference (through your computer or smartphone). If mediation is not successful in reaching a resolution, the Court will set the case for trial.

Additional information. Court personnel cannot give you advice on whether you will win a case or not, what to say in court, or what steps you should take to win your case or avoid paying a judgment. Additional information to help you with your case may be found in the resources listed here:

- www.TexasLawHelp.org. – Forms and information on a broad range of consumer legal topics available in both English and Spanish.
- www.tcjtc.org/SRL/debt-claim.html. -- Texas Justice Courts Training Center information for self-represented parties.
- www.TexasCourtHelp.org. – Information and videos in both English and Spanish about going through the court system, including information about how to find a lawyer, where to find forms, and how to get ready to go to court.
- Texas Lawyer Referral Service – 800-252-9690. Information about lawyers who handle this type of case.
- Lubbock County Law Library –Lubbock County Courthouse, 806-775-1667.