

**Information or instructions: Special appearance**

# PREVIEW

1. The purpose of a special appearance is to contest the court's jurisdiction.
2. It may be used to claim that the defendant is not subject to Texas process or that the property that is the subject of the suit is not located in Texas.
3. The form should state the facts and show why the defendant should not be required to defend the cause of action in the State of Texas.
4. The defendant can also contest service of process under the Texas Long Arm Statute, e.g., by claiming lack of the minimum contacts necessary to establish a business relationship in Texas.
5. See TRCP 120A for the statutory provision on special appearances.
6. Pursuant to TRCP 121, if the defendant files an answer, he or she waives the right to contest the validity of the issuance or service of citation. If the defendant files a special appearance, he or she does not waive the right to assert a claim of lack of jurisdiction.
7. TRCP 84 provides that an answer may also allege several defenses, including a special appearance and a general denial.
8. The form that follows assumes that the defendant does not reside in the State of Texas and does not own or control property in the State of Texas. Included in the special appearance is a general denial, which prevents a default judgment in the event that the special appearance is defective or overruled.
9. The verification which is attached to the special appearance is required by Rule 120A of the Texas Rules of Civil Procedure. It gives more credibility to the claim by stating that the defendant believes the facts contained therein are true and correct.

# PLEASE DO NOT COPY

# THIS DOCUMENT

**Form: Special appearance**

CAUSE NUMBER \_\_\_\_\_

[Name],  
PLAINTIFF

# THANK YOU

IN THE [Type of Court] COURT  
[Court number]

vs.  
[Name],  
DEFENDANT

OF [NAME], COUNTY, TEXAS

Defendant [Name] and files this special appearance to object to the jurisdiction of the Court in the above entitled and numbered proceeding.

**PREVIEW**

1. Defendant's legal domicile is outside of the State of Texas and is in [Name] County, [State].
2. Defendant's person and property are not amenable to process issued by the courts of this state, and Defendant prays the Court to so rule.
3. Accordingly, Defendant prays that the Court dismiss the above entitled and numbered cause for lack of jurisdiction.

**PLEASE DO NOT COPY**

4. Pleading further, and in the alternative, but without limiting or waiving Defendant's plea to the Court's jurisdiction, Defendant asserts a General Denial by which Defendant denies the allegations contained in Plaintiff's Original Petition and respectfully requests that the Court and Jury require the Plaintiff to prove Plaintiff's claims, charges and allegations by a preponderance of the evidence, as required by the Constitution and Laws of the State of Texas.

**THIS DOCUMENT**

Respectfully Submitted,  
\_\_\_\_\_  
[Law Firm Name]

By \_\_\_\_\_

\_\_\_\_\_  
[Attorney's Name]

Attorney for Defendant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

**THANK YOU**

**AFFIDAVIT**

State of Texas

County of

**LegalFormsForTexas.Com**

BEFORE ME, a notary public in and for [Suit County] County, Texas, on this day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this affidavit, who being first sworn upon oath, says that [he or she] is [party designation] in the above-referenced case, and has the authority to make this affidavit. Affiant further states that [he or she] has read the foregoing and that the pleading is in every statement and allegation true and correct.

**PREVIEW**

[Include any other facts to support the affidavit]

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_

**PLEASE DO NOT COPY**

\_\_\_\_\_

\_\_\_\_\_  
Signature of officer

\_\_\_\_\_  
Notary's typed or printed name

My commission expires:

**THIS DOCUMENT**  
[or Notary's Stamp]

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on \_\_\_\_\_.

Attorney for: [Other attorney's client's name]  
Attorney's name: [Other attorney's name]  
Attorney's address [Other attorney's address]

Type of Service:

**THANK YOU**

\_\_\_ U.S. Mail, Certified Return Receipt Request No. \_\_\_\_\_.

\_\_\_ U.S. Mail, First Class.

\_\_\_ Hand delivery by [name of delivery service]: \_\_\_\_\_.

\_\_\_ Facsimile transmission to \_\_\_\_\_ [fax number] before 5 p.m.

**LegalFormsForTexas.Com**

[Attorney's signature]  
**PREVIEW**

**PLEASE DO NOT COPY**

**THIS DOCUMENT**

**THANK YOU**

**[LegalFormsForTexas.Com](http://LegalFormsForTexas.Com)**