

Information & Instructions: Collection Procedure

PREVIEW ONLY

1. Obtain the facts from your client and supporting documents to substantiate the claim.
2. Ascertain the date and event of the breach which entitles your client to initiate collection procedures.

PLEASE DO NOT COPY

3. Check the statute of limitations.
4. Insert the facts into the demand letter under this section.
5. Mail the demand letter to the debtor by certified mail return receipt requested.

THIS DOCUMENT

6. For debtors with improper addresses, the attorney may desire to have the envelope marked "address correction requested." If the debtor has requested the post office to forward his or her mail from a previous address, for a small charge the post office will notify the sender of the address to which the debtor has requested that the mail be forwarded.

THANK YOU

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Call for more information

Or

Legal Help!!!

Form: New Collection client general information form

PREVIEW ONLY
NEW CLIENT GENERAL INFORMATION FORM

+++~~ATTORNEY-CLIENT COMMUNICATION - THIS DOCUMENT AND ITS~~+++
CONTENTS CONSTITUTE LEGALLY PRIVILEGED INFORMATION

PLEASE DO NOT COPY [Date]

ATTORNEY: [Attorney's name]

+++~~+++~~+++
FILE NO.: [Law firm case file number]

CLIENT'S NAME [Client's name]

ADDRESS: [Client's address]

+++~~+++~~+++
PRIMARY PHONE: [Client's telephone number]

BUSINESS PHONE: [Client's work telephone number]

FACSIMILE NUMBER: [Client's fax number]

+++~~+++~~+++
AGE: [Client's age]

DATE OF BIRTH: [Client's birth date]

PLACE OF BIRTH: [Client's birthplace]

+++~~+++~~+++
MARITAL STATUS: [Client marital status]

SPOUSE'S NAME [Client's spouse name]

SOCIAL SECURITY NO.: [Client's social security number]

+++~~+++~~+++
DRIVER'S LICENSE NO.: [Client's drivers license number]

EMPLOYER: [Client's employer] **Or**

ADDRESS: [Client's employer address]

+++~~+++~~+++
OTHER NAMES WHICH CLIENT IS OR HAS BEEN KNOWN BY:

[Client's former names] **Legal Help!!!**

EMPLOYMENT HISTORY FOR PAST 5 YEARS:

PREVIEW ONLY

MILITARY STATUS: [Client's military status]

CLIENT'S YEARLY INCOME: \$[Client's annual income]

OTHER SOURCES OF INCOME: [Client's sources of income]

PERSON WE CAN CONTACT IF WE CANNOT REACH YOU:

NAME: [Emergency contact name]

ADDRESS: [Emergency contact address]

PHONE: [Emergency contact telephone number]

BUSINESS PHONE: [Emergency work telephone number]

RELATIONSHIP: [Emergency relationship to client]

REFERRED BY: [Name of referral source, i.e. Yellow Pages, etc]

PERSON RESPONSIBLE FOR BILL, IF OTHER THAN CLIENT:

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TYPE OF MATTER: [New client]

OPPOSING COUNSEL

NAME: [Other attorney's name]

ADDRESS: [Other attorney's address]

PHONE NO.: [Other attorney's telephone number]

FACSIMILE NO.: [Other attorney's fax number]

TYPE OF CASE: [Basic client matter]

ADVERSE PARTY NAME: [Other party's name]

PHONE NO.: [Other party's telephone number]

ADDRESS: [Other party's address]

THIS DOCUMENT

THANK YOU

Call for more information

Or

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FEE ARRANGEMENT: [Fee basis]

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ESTIMATED FEE: \$[Estimated fee]

+++++

HOURLY RATE: \$[Case attorney hourly rate]

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RETAINER RECEIVED \$ [Amount of retainer]

WITNESSES: [Witness names]

+++++

NOTES:

CASE ACCEPTED OR REJECTED:

THIS DOCUMENT

+++++

THANK YOU

+++++

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+++++

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+++++

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+++++

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Information & Instructions: Collection information sheet and case to do list

PREVIEW ONLY

1. Complete this form when opening a new collection case.

Form: Collection information sheet and case template and case to do list

COLLECTION INFORMATION FORM

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Case file no.: _____

Responsible attorney: _____

Name of Person who Sent the Matter to the Attorney: _____

THIS DOCUMENT

Contact Persons Name: _____

Address: _____

Telephone no.: _____

Fax no.: _____

THANK YOU

Client's file no.: _____

Debtor's name, including d/b/a, aliases, and other names: _____

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Address of debtor: _____

Telephone no.: _____

Fax no.: _____

Call for more information

If a corporation, name of registered agent: _____

Address: _____

Telephone No.: _____

Or

If a partnership or joint venture, name of other partners: _____

If a limited partnership, name of general partner: _____

If a trust, name of trustee: _____

Name of Debtor's attorney: _____

Legal Help!!!

Address: _____

Telephone no.: _____

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Fax no.: _____

Type of collection matter: _____ [specify]

Date cause of action accrued: _____

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Statute of limitations date: _____

Date claim received by office: _____

Name of guarantor, if any: _____

THIS DOCUMENT

Address: _____

Telephone no.: _____

THANK YOU

Nature of claim: _____

Total amount of claim: _____

If promissory note, original principle: \$ _____

Balance owed: \$[Amount] _____

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Per diem interest: \$ _____

Interest rate: _____ (percent)

Call for more information

Date first payment due: _____

Date payments made: _____

Date last payment made by debtor: _____

Or

Total number of payments made by debtor: _____

Date of default: _____

Other charges: _____

Insurance: _____

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Expenses: _____

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Supplemental documents for promissory note: _____

Guaranty agreements--Date received from client: _____

Security agreements--Date received from client: _____

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Deed of trust--Date received from client: _____

UCC1-filing--Date received from client: _____

Stock pledge, etc --Date received from client: _____

THIS DOCUMENT

For corporate and other entities, certificate of corporate--Partnership--Trust resolutions--Date received: _____

For Collection Matters Other than Notes: _____

Item purchased or sold: **THANK YOU**

Nature of contract: _____

Sworn Accounts: _____

Description of goods or service: _____

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Date goods or services delivered: _____

Offsets and Credits: _____

Contractual: **Call for more information**

Type of Goods or Vehicle Purchased: _____

New: _____

Used: _____

Or

If vehicle, year: _____

Make: _____

Model no.: _____

Legal Help!!!

Serial no.: _____

License no.: **PREVIEW ONLY**

Total sales price: \$ _____

+++++
Amount debtor obligated to pay under agreement: \$ _____

Total no. of installments due: _____
PLEASE DO NOT COPY

Date of first installment: _____

+++++
Amount of each installment: \$ _____

Date installment is due: _____
THIS DOCUMENT

Date debtor failed to pay installment: _____

+++++
Number of installments past due: _____

Date debtor obtained goods or vehicle: _____
THANK YOU

Date goods or vehicle repossessed: _____

+++++
Amount debtor owes: \$ _____

Accelerated (no. of) amount: \$ _____
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Amount debtor owes after deducting from the unpaid balance offsets and credits: \$ _____

+++++
Expenses incurred in repossessing and selling collateral: \$ _____

Change orders or amendments to written agreement: _____
Call for more information

Date: _____

+++++
Description: _____

Fee agreement: _____ **Or**

Hourly: _____

+++++
Contingency: _____

Relief requested: _____ **Legal Help!!!**

Demand letter: Yes _____ No _____

Suit (complete litigation on server): Yes _____ No _____

PREVIEW ONLY

Foreclosure: Yes _____ No _____

Sequestration: Yes _____ No _____

Attachment: Yes _____ No _____

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Garnishment: Yes: _____ No: _____

Temporary injunction: Yes: _____ No: _____

Other: _____ [specify]

THIS DOCUMENT

Demand letter date requested: _____

Date demand letter sent: _____

Date received by debtor at that address: _____

THANK YOU

Attempts to obtain better address:

Phone book: _____

Yellow page: _____

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Criss-cross reference: _____

Investigator: _____

kip trace services: _____

Other: _____ [specify]

Call for more information

CASE TO DO LIST

Date Due	Date Comp	Or Item
		Attorney fee agreement.
		Uncontested matter addendum.
		Within 10 days of initial client interview

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	PREVIEW ONLY	Send demand letter to defendant and a copy to client. Consider foreclosure on secured property
+++++	PLEASE DO NOT COPY	30 days after demand letter file plaintiff's petition. Also pay a jury fee if the client desires a jury trial
+++++		15 days after lawsuit is filed, see if defendant has been served, if so, file citation of service with the court
+++++	THIS DOCUMENT	30 days later, see if defendant has answered, if not, file: Default judgment, Certificate of last known address, non military affidavit and attorney fees affidavit.
+++++	THANK YOU	30 days after defendant has answered, serve: Request for admissions, Interrogatories and; Request for production of documents. The opposing side has 30 full days to respond to the requests and interrogatories.
+++++	LegalFormsForTexas.Com	31 days after serving discovery requests, file Motion for Sanctions.
+++++	Call for more information	61 days after serving discovery requests file: Motion for Summary Judgment, Notice of Hearing and a Summary Judgment Order
+++++	Or	55 days before the Summary Judgment hearing, call and try to settle the case and complete the Agreed Judgment.
+++++	Legal Help!!!	Six months after filing Petition, set for trial (Jury/Nonjury) File business records, & affidavits. Prepare for trial, meet with witnesses & clients. Obtain exhibits and original

	PREVIEW ONLY	documents and jury aids.
		30 days after obtaining Judgment sent Notice of Judgment to Debtor and Request for Payment.
	PLEASE DO NOT COPY	Begin Post judgment Actions:
		30 days after Judgment is final, request Abstract of Judgment.
	THIS DOCUMENT	Record Abstract of Judgment.
		Send out Plaintiff's Interrogatories In Aid of Judgment or send Notice of Intent To Take post judgment Deposition.
	THANK YOU	After Post judgment Deposition, Issue Writ of Execution.
		Request to Levy and Sell Goods
		Consider Garnishment, Attachment and Sequestration Remedies.
	LegalFormsForTexas.Com	Consider a Turnover Order.
		Letter closing representation.
	Call for more information	Letter to Client regarding time period to collect and revive Judgments.

Information & Instructions: Collections worksheets

- Or**
1. The following forms are useful for obtaining basic information necessary in order to handle a collection matter. The forms may be used as a guideline for drafting your own worksheet to fit a particular client's needs, such as a bank or car dealer.
 2. This form contains information applicable to and necessary to represent a bank.

Form: Case information for bank

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CASE INFORMATION FORM FOR A BANK

Date: _____

PREVIEW ONLY

1. Name of Bank employee to contact: _____

2. Name of maker(s): _____ [If a corporation, name and address of registered agent]

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3. Address for service: _____

4. Phone no: _____

5. Name of guarantor(s), if any: _____

THIS DOCUMENT

6. Address for service: _____

7. Original Amount of Note: \$ _____ [specify if Principal only or Principal plus Interest]

8. Interest Rate: _____ percent

THANK YOU

9. Date of the Note: _____

10. First payment Due Date: _____

11. Date of the last payment made by the Debtor: _____

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12. Total number of payments made by the Debtor: _____

13. Date of default: _____

14. Date any Demand Letter was sent: _____

Call for more information

15. Amount in arrears: \$ _____

16. Principal \$[Amount] _____ plus interest \$[Amount] _____ to _____ [date]: \$[Amount] _____

Or

17. Late charges: \$ _____

18. Insurance: \$ _____

19. Collateral: _____ [specify]

Legal Help!!!

20. Attach clear, complete copies of all documents concerning this matter; Check the appropriate documents below:

21.

Note: _____

PREVIEW ONLY

22.

Deed of trust: _____

23.

Security agreement: _____

24.

Guaranty: _____

PLEASE DO NOT COPY

25.

UCC-1: _____

26.

Demand letter: _____

27.

Stock purchase: _____

THIS DOCUMENT

28.

Certificate of corporate resolution: _____

29.

Other: _____ [specify]

30.

Factual summary/other information: _____

THANK YOU

FOR LAW OFFICE USE ONLY:

1.

Date file received: _____

2.

Relief requested/Date Work Done: _____

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3.

Demand Letter: _____

4.

Suit Filed: _____

5.

Represent Bank in the Debtor's Bankruptcy: _____

Call for more information

6.

Foreclosure Posted: _____

7.

Other: _____ [specify]

8.

Cause No. _____:

Or

9.

Court: _____

10.

County: _____

11.

Opposing Counsel: _____ [name]

Legal Help!!!

12.

Address: _____

PREVIEW ONLY

13. Phone no. _____

14. Fax no.: _____

15. Cause No.: _____

16. Court: _____

17. Plaintiff _____ v Defendant(s) _____

18. Date Petition Filed: _____

19. (1) Defendant _____ name Served: _____

20. Answer due by: _____ [date] Filed: _____ [date]

21. Defendant: _____ [name] Served: _____

22. Answer due by: _____ [date] Filed: _____ [date]

23. Defendant: _____ [name] Served: _____

24. Answer due by: _____ [date] Filed: _____ [date]

PLEADING (REQUIREMENTS FOR ADMISSIONS, ETC.) DEADLINES

1. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

2. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

3. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

HEARINGS:

1. On _____ [matter] Set _____ at _____ [date] [time].

2. On _____ [matter] Set **Or** at _____ [date] [time].

3. On _____ [matter] Set _____ at _____ [date] [time].

JUDGMENT:

1. Entered: _____ [date]

2. Abstract/Judgment Ordered: _____ [date]

PLEASE DO NOT COPY

THIS DOCUMENT

THANK YOU

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Call for more information

Legal Help!!!

PREVIEW ONLY

- 3. Received: _____ [date]
- 4. Abstract of Judgment sent for Recording: _____ [date]
- 5. Recorded: _____ [date]

WRIT OF EXECUTION: PLEASE DO NOT COPY

- 1. Ordered: _____ [date]
- 2. Sent to Sheriff: _____ [date]

THIS DOCUMENT

- 3. Levied: _____ [date]
- 4. Results: _____ [specify]

FORECLOSURE:

THANK YOU

- 1. Notice Letter With Notice Enclosure Sent: _____ [date]
- 2. Notice Posted:
at Courthouse: _____ [date]

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- 3. Sale: _____ [date]
- 4. Amount: \$ _____

Call for more information

- 5. Purchaser(s) _____ [name(s)]
- 6. Address(es): _____
- 7. Trustee's Deed Delivered to Purchaser: _____ [date]

OTHER:

Or

- [specify]

Legal Help!!!

Information & Instructions: Deficiency judgment worksheet

PREVIEW ONLY

1. The following form may be useful for obtaining the basic information necessary to file a lawsuit when an automobile has been repossessed and a deficiency amount is owed over and above the monies credited as a result of the repossession.

2. Car dealers, finance companies, and similar creditors, typically file lawsuits in order to try to recover the difference between the unpaid amount owed on the consumer goods less the monies received upon sale of the goods after the repossession.

3. This particular form was designed for repossession of an automobile but may be modified to fit your particular situation.

Form: Deficiency judgment worksheet

THIS DOCUMENT

DEFICIENCY JUDGMENT WORKSHEET

1. Customer's name as it appears on the sales agreement: _____

2. Customer's address: _____

THANK YOU

3. Date customer purchased the vehicle: _____

4. Type of vehicle purchased: New _____ Used _____ Year _____

LegalFormsForTexas.Com

Make _____ Model _____ Serial no. _____

License no. _____

5. Total sales price: \$ _____

6. Amount the customer is obligated to pay under the agreement: [Amount]

Call for more information

7. Total number of installments due under the agreement: _____

8. Amount of each installment payment: \$ _____

Or

9. Date the installment is due: _____

10. Date the customer obtained possession of the vehicle: _____

11. Date the customer defaulted: _____

Date the vehicle was repossessed: _____

Legal Help!!!

12. Amount the customer owes [accelerated unpaid balance]: \$ _____
13. Amount the customer owes after deducting from the unpaid balance the monies received from sale of the vehicle at the private or public auction: \$ _____

14. Expenses incurred in repossessing and selling the vehicle: \$ _____

To bring: _____

PLEASE DO NOT COPY

Repairs: _____

Other: _____ [specify]

15. Special circumstances or comments: _____

16. Documents sent to our office. Check if received:

_____ Retail sales installment agreement

_____ Lease

THANK YOU

_____ Sales order for parts purchased

_____ Repossession demand letter

_____ Repossession release notice

LegalFormsForTexas.Com

_____ Other: [specify]

17. Action to be taken: [specify]

Information & Instructions: Breach of Promissory Note Form

Call for more information

1. The following form may be used when a promissory note has been breached.

Form: Breach of a promissory note information form

BREACH OF NOTE INFORMATION FORM

Date: _____

Client/Personnel to Contact: _____ [name, address, and telephone number]

1. Name of Maker(s): _____

Legal Help!!!

[if debtor is a corporation, name and address of the registered agent:]

Address for service: _____

Phone Number: _____

2. Name of Guarantor(s), if any: _____

PLEASE DO NOT COPY

3. Original Amount of Note: \$ _____ [specify if principal only or principal plus interest]

4. Interest Rate: _____ percent

5. Date of note: _____

First payment due date: _____

6. Date of the last payment by the debtor: _____

7. Total number of payments made by the debtor: _____

8. Date of the default: _____

9. Date demand letter sent: _____

10. Amount of Arrears: _____

11. Principal: \$ _____

12. Interest to _____ [date]: \$ _____

13. Late charges: \$ _____

14. Insurance: \$ _____

15. Collateral: _____ [specify]

16. Attach clear, complete copies of all documents concerning this matter; check the appropriate documents below:

____ Note

____ Deed of trust

____ Security agreement

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Call for more information

Or

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PREVIEW ONLY

____ Guaranty

____ UCC-1

+++++

____ Demand letter

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____ Stock pledge

____ Certificate of corporate resolution

+++++

____ Other: _____ [specify]

THIS DOCUMENT

17. Factual summary, other information: _____ [specify]

FOR LAW OFFICE USE ONLY:

+++++ Date File Received: _____

Relief Requested: Date Work Done

THANK YOU

1. Demand Letter: _____

+++++

2. Suit Filed: _____

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3. Represent Client (par. 11.17): _____

4. Foreclosure Posted: _____

+++++

5. Other: _____ [specify]

Call for more information

6. Cause No. _____, Court _____ County _____

7. Opposing Counsel: _____ [name]

+++++

8. Address: _____

9. Phone no.: _____ Or

10. Fax no.: _____

+++++

11. Cause No.: _____

Legal Help!!!

12. Court: _____

13. Plaintiff _____ v. Defendant(s) _____

PREVIEW ONLY

14. Date Petition Filed: _____

15. (1) Defendant: _____ [name] Served: _____

++++ Answer due by: _____ [date] Filed: _____ [date] +++++

PLEASE DO NOT COPY

(2) Defendant: _____ [name] Served: _____

Answer due by: _____ [date] Filed: _____ [date]

++++ (3) Defendant: _____ [name] Served: _____ +++++

Answer due by: _____ [date] Filed: _____ [date]

THIS DOCUMENT

PLEADING (REQUEST FOR ADMISSIONS, ETC.) DEADLINES:

1. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

2. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

3. Pleading: _____ [specify] Due: _____ [date] Received: _____ [date]

++++ HEARINGS: +++++

1. On _____ [matter] Set _____ [date] At _____ [time]

2. On _____ [matter] Set _____ [date] At _____ [time].

3. On _____ [matter] Set _____ [date] At _____ [time].

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Call for more information

JUDGMENT:

1. Entered: _____ [date]

2. Abstract/Judgment Ordered: _____ [date]

3. Received: _____ [date] **Or**

4. Abstract of Judgment sent for Recording: _____ [date]

5. Recorded: _____ [date]

++++ +++++

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WORLD OF EXECUTIONS

1. Ordered: _____ [date]

2. Sent to Sheriff: _____ [date]

PREVIEW ONLY

3. Levied: _____ [date]

4. Results: _____ [specify]

PLEASE DO NOT COPY

1. Notice Letter With Notice Enclosed sent: _____ [date]

2. Notices Posted:

3. At Court house: _____ [date]

THIS DOCUMENT

4. With County Clerk: _____ [date]

5. Date of Sale: _____

6. Amount: \$ **THANK YOU**

7. Name of Purchaser(s): _____

8. Address(es): _____

9. **LegalFormsForTexas.Com**

10. Other: _____ [specify]

+++++

Call for more information

+++++

Or

+++++

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**Information & Instructions: Collection procedures and laws applicable to debt collectors:
The Fair Debt Collection Practices Act**

PREVIEW ONLY

1. The purpose of a demand letter is to advise the debtor of the fact that litigation may ensue if a debt is not timely paid and to establish a basis for recovery of attorney fees pursuant to Civ Prac & Rem C 38.001 et seq., 31.004, 31.005 and 105.001 et seq. Attorney fees are also authorized pursuant to Tex Rev Civ Stat Art 5503C, the Possessory Lien Statute.

2. Before engaging in debt collection procedures and using the forms contained in this chapter, the following federal and state statutes and regulations should be review:

The Fair Debt Collection Practices Act, Public Law 95-109, 15 USC 1601

1. Attorneys who perform collection work on consumer debt should be aware of Pub Law 99-361, which amends the Fair Debt Collection Practices Act found in 15 USC 1601.

2. The amendment removes the former exemption of attorneys as debt collector.

3. Accordingly, attorneys are now considered debt collectors under the Act and may be directly liable for errors in the collection of consumer debts.

4. The Act contains statutory liability provisions that may now be used against lawyers. This includes damages, class actions, actual damages and legal fees for the debtor's lawyer.

5. Therefore, an attorney who sends a demand letter to a debtor for a consumer debt must carefully review the statute as amended before sending out a demand letter or attempting to collect a consumer debt.

6. The threshold question in applying the Act to lawyers is whether the debt is a consumer debt.

7. The Act does not apply to business debt. Accordingly, residential mortgages, credit card debts, installment loans including, but not limited to, charge cards, automobile purchases and revolving accounts are all characterized as consumer debts regardless of the amount and regardless of whether or not the obligation has been reduced to a judgment.

8. The practitioner should consider that Section 808 of the Act prohibits the acceptance by an attorney of any check postdated by five (5) days or more, unless the debtor is reminded in writing that the attorney intends to deposit the check.

9. Notice must be given between three (3) and ten (10) business days before the check is deposited.

10. Sections 808 and 809 require the following notices to be placed in the first letter sent to the debtor, including:

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Or

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- a. the amount of the debt;
- b. the name of the creditor to whom the debt is owed;

PREVIEW ONLY

+++ a statement that unless the consumer within thirty (30) days after receipt of the demand letter disputes the validity of the debt or any portion thereof, the debt will then be assumed to be valid by the debt collector;

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+++ d. a statement that if the consumer notifies the debt collector in writing during the specified thirty (30) day time period that the debt is disputed, the debt collector will obtain a verification of the debt or a copy of a judgment against the consumer and mail a copy of that verification or judgment to the consumer; and

e. a statement that upon the consumer's written request within the that thirty (30) day time period, the debt collector will provide the consumer with the name and address of the original creditor if different from the current creditor.

THIS DOCUMENT

+++++ 11. If the debtor notifies the attorney during this time period that the debt is disputed, the attorney should cease debt collection procedures until the debt has been verified. Verification of the debt should be specifically sent to the debtor.

THANK YOU

12. The revised law further prohibits an attorney from contacting a debtor if the debtor declines in writing to honor the attorney's request or if the debtor informs the attorney to stop contacting him.

13. Venue for litigation purposes is the district in which the debtor signed the contract or where the debtor resides.

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14. It is important to note that the above guidelines apply only to consumer debts, not to business debts.

The Debt Collection Act, R.C. art 5069-111C. Call for more information

1. These two statutes define parties subject to regulation as debt collectors and preclude unfair or harassing techniques used in the collection of debts.

a. 15 USC 1692D, the federal statute regarding harassment or abuse; and Tex Rev Civ Stat Arts 5069-1102, 5069-1103.

Or

b. 15 USC 1692F, the Federal Unfair Practices Statute; and Tex Rev Civ Stat Arts 5069-1104, 5069-1105.

2. Both statutes prohibit, generally, the threatening of violence, the use of criminal means to harm a person, false accusations, the use of profane or abusive language, continuous calls, failure to disclose identities, threats to take actions prohibited by law, threats of seizure, repossession,

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attachment of property without court authorization or the use of unconscionable and unfair collection practices.

PREVIEW ONLY

3. These statutes relate to attempting to collect monies without authorization, collecting checks postdated by more than five days, collecting unauthorized charges, fees, or expenses, or threatening the institution of criminal prosecution.

4. For a definition of "creditors," see Tex Bus & Com C 1.201; "Debtor" is defined in Tex Bus & Com C 9.105.

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5. For the seller's remedies applicable to an insolvent debtor see Tex Bus & Com C 2.702

6. For unsecured creditor's rights against an insolvent buyer see Tex Bus & Com C 2.402

THIS DOCUMENT

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THANK YOU

+++++

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Call for more information

+++++

Or

+++++

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Information & Instructions: Collection Procedure

PREVIEW ONLY

1. Obtain the facts from your client and supporting documents to substantiate the claim.
2. Ascertain the date and event of the breach which entitles your client to initiate collection procedures.
3. Check the statute of limitations.
4. Insert the facts into the demand letter under this section.
5. Mail the demand letter to the debtor by certified mail return receipt requested.
6. For debtor with improper addresses the attorney may desire to have the envelope marked "address correction requested." If the debtor has requested the post office to forward his or her mail from a previous address, for a small charge the post office will notify the sender of the address to which the debtor has requested that the mail be forwarded.

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THIS DOCUMENT

Information & Instructions: Demand letter

THANK YOU

1. The following demand letter may be used for either a breach of lease, contract, or a sworn account claim. Insert in the spaces provided the facts and the amount of money owed after all lawful offsets and credits.
2. If the debtor resides out of state, the alternative paragraph should also be inserted.
3. In order to comply with the revised Fair Debt Collection Practices Act, it is recommended that an Exhibit "A" be attached to any demand letters showing that the attorney seeks to collect a consumer debt.

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Information & Instructions: Demand letter

Call for more information

[Date]

[Debtor's name]

[Address]

Regarding: [State the matter or style of the case]

Or

Dear [Debtor's salutation]:

Please be advised that this law firm has been retained by [Client's name] to [State the purpose of retaining legal representation].

The facts that gave rise to this demand letter and entitle my client to receive payment of the obligation are as follows: [State the factual basis].

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Legally, this is a simple and undisputable matter. Accordingly, please contact me immediately so that we may resolve this claim quickly and without resort to litigation.

PREVIEW ONLY

My client desires to resolve this claim in an amicable and reasonable manner; therefore, please mail a cashier's check or a bank draft in the amount of \$ [Amount], payable to [Name of payee]

Please send the monies to the above address. After the check has cleared and the monies have been paid to the creditor, you will receive a duly executed release from my client stating that this matter has been resolved and closed.

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If payment is not received or if you do not contact me within 30 days from the date of this letter I shall review with my client, [His, her, their, or its] legal rights and remedies that my client may exercise.

THIS DOCUMENT

If this matter is litigated, I will recommend to my client that [His, her, their, or its] seek reimbursement for attorney fees in addition to the debt.

+++++ [Alternative paragraph for acceleration of a debt] +++++

My client has exercised his or her option in the agreement and this letter affords you **NOTICE:**

THANK YOU

THAT [CREDITOR NAME] HAS ACCELERATED THE DEBT PER THE TERMS OF THE WRITTEN AGREEMENT BETWEEN YOU AND THE CREDITOR.

+++++ [Alternative paragraph for out-of-state debtor(s):] +++++

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[In the event that litigation is commenced, my client shall file the suit and obtain service upon you pursuant to the Texas Long Arm Statute. The Texas Long Arm Statute applies to any person who accepts the privileges extended to him or her by doing business in Texas.

By doing business in Texas, you designate the Secretary of State as your agent for service of process. A lawsuit may be filed in any county in which I am licensed to practice. If a lawsuit would be served upon the Secretary of State who would then effect service of process upon you, and thereby bring you under the jurisdiction of our courts and subject to litigation.]

Call for more information

+++++ [Alternative paragraph for attorney representation] +++++

If you are represented by an attorney, please give a copy of this letter to your attorney and have him or her contact my office at the above address and phone number.

Or

Please be informed that nothing contained in this letter shall be deemed a waiver of any default or even of default, nor a waiver of any rights, remedies or recourses available to the Holder of the Note and/or security documents, nor an election of remedies resulting from any default which may exist, with respect to the Note, the Security Agreement, Deed of Trust, or any other document executed in connection therewith.

Legal Help!!!

Nothing in this letter is deemed or interpreted to be or shall be construed as a demand for payment of any sum in excess of the amounts which are lawfully owed to the Holder of the debt pursuant to the Note, the Security Agreement, Deed of Trust or any other documents executed in connection therewith. It is the Holder's intent to demand payment only in the amounts provided for the Note, the Security Agreement, Deed of Trust and any other documents executed in connection therewith.

Your prompt attention to this matter will be appreciated. If this collection letter relates to consumer debt, add: Please read the Fair Debt Collection Practices Act notice which is attached to this letter as Exhibit A].

Thank you in advance for your early cooperation.

Sincerely,
THIS DOCUMENT

[Attorney's name]

Certified Return Receipt Request Number

[Attach Exhibit]

THANK YOU

EXHIBIT "A"

FAIR DEBT COLLECTION PRACTICES ACT; CONSUMER NOTICE

The following notice is provided pursuant to the Fair Debt Collection Practices Act (ACT), Public Law 95-109, 15 USC § 1601 et seq.

[CREDITOR'S NAME] BY AND THROUGH [ATTORNEY'S NAME], AS ITS LEGAL COUNSEL, IS SENDING YOU THIS LETTER IN AN ATTEMPT TO COLLECT A DEBT. YOU ARE ADVISED THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

1. THE AMOUNT OF THE DEBT IS \$[AMOUNT].
2. THE NAME OF THE CREDITOR TO WHOM THE DEBT IS OWED IS [NAME].
3. PLEASE BE ADVISED THAT UNLESS YOU DISPUTE THE VALIDITY OF THE ABOVE-DESCRIBED DEBT OR ANY PORTION OF THE DEBT WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS NOTICE, THE ATTORNEY AND THE CREDITOR WILL ASSUME THAT THIS DEBT IS VALID AND THE CREDITOR MAY PROCEED IN ACCORDANCE WITH THE ACT (PUBLIC LAW 95-109) TO LEGALLY RECOVER MONIES OWED TO THE CREDITOR.

Legal Help!!!

4. FURTHERMORE, YOU ARE ADVISED THAT YOU HAVE THE RIGHT TO CONTACT THE CREDITOR, AT FOR MAY OR DEBT COLLECTOR TO DISPUTE THE DEBT.

5. IF YOU DISPUTE THE VALIDITY OF THE DEBT, YOU SHOULD NOTIFY THE ATTORNEY WHO SENT THIS LETTER TO YOU, OF YOUR DISPUTE IN WRITING WITHIN THIRTY (30) DAYS FROM THE RECEIPT OF THIS NOTICE. IF YOU DISPUTE THE DEBT, THE ATTORNEY WILL OBTAIN A VERIFICATION OF THE DEBT OR A COPY OF THE JUDGMENT AND MAIL IT TO YOU.

6. UPON YOUR WRITTEN REQUEST WITHIN THE ABOVE-DESCRIBED THIRTY (30) DAY TIME PERIOD, THE ATTORNEY OR DEBT COLLECTOR WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF THE CREDITOR SEEKING TO COLLECT THE DEBT IS DIFFERENT FROM THE ORIGINAL CREDITOR.

7. ANY POSTDATED CHECKS SENT TO THE DEBT COLLECTOR WILL BE DEPOSITED OR PLACED FOR COLLECTION.

THANK YOU
NON-BANKRUPTCY STATUS

The creditor and this office have no knowledge that you have filed a current Federal Bankruptcy Petition, or that if you have previously filed, that the bankruptcy stay is still applicable. Likewise the creditor and this office have no knowledge that all or part of the debt has been discharged by any bankruptcy proceeding. If you have filed a current bankruptcy, and the automatic stay is in effect or if a prior bankruptcy discharged the debts, then this office will suspend collection efforts and comply with federal or state law once you notify this office of your bankruptcy filing. Please send this office the name of the debtor, the case number, the proceeding type, the court's name and location and the name, address and telephone number of your bankruptcy attorney.

Alternatively, if you have received a discharge, and if the debt was not reaffirmed in the bankruptcy case, this letter is merely intended to be written notice that formal demand has been made in compliance with the Security Agreement, Deed of Trust and Texas state law. This letter is not an act to collect, assess or recover the discharged debt as your personal liability, but is only complying with the statutory notice requirements.

Or
ATTORNEY'S FEE NOTICE

Pursuant to chapter 38 of the Texas Practice and Remedies Code you are hereby notified that if the debt is valid, your failure to pay the past due balance in full within 30 days from the date of this letter may cause you to also owe attorney's fees incurred by the creditor. Attorney's fees as of this date are \$[Amount] and in a range from [Anticipated Low Amount] to [Anticipated High Amount] if this matter is not resolved.

Attachments
cc: [Client]

PREVIEW ONLY

Information & Instructions: Demand to return collateral. alternative paragraph

1. The following paragraph should be inserted in the demand letter if your client intends to foreclose on a security interest and repossess its collateral.

2. The paragraph also makes a demand upon the Debtor to return the collateral to the creditor. The insertion of the following paragraph assists the creditor in obtaining a Writ of Sequestration in the event a breach of the peace is anticipated if the creditor repossesses its collateral.

Form: Demand to return collateral. alternative paragraph

Since my client holds a security interest in the collateral which you possess, demand is made upon you that you surrender possession of that collateral within the above-specified 10-day time period. If you refuse to surrender possession of the collateral within that time period, my client will presume that you intend to dispose, conceal, ill-treat or remove the collateral from the State of Texas, and my client will also assume that the same cannot be repossessed without a breach of the peace.

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Call for more information

Or

Legal Help!!!

Information & Instructions: Sworn account

PREVIEW ONLY

1. The Petition is the document which commences litigation.

2. ~~It may be filed in a justice county or district court.~~

3. This form may be used for a cause of action based upon a breach of lease or contract.

PLEASE DO NOT COPY

4. A copy of the contract should be attached and incorporated by reference in the Petition.

5. ~~The form may be used for a cause of action based upon a sworn account.~~

6. In order to constitute a valid sworn account, a sale must occur whereby title to personal property passes from the seller to the purchaser so that the relationship of debtor and creditor is created.

THIS DOCUMENT

7. ~~Sworn account cause of actions commonly occur when a vendor delivers to a vendee goods or services for purchase in the course of ordinary business transactions.~~

8. The Petition for a sworn account should be verified by an affidavit attached to the Petition. The affidavit qualifies the Petition as a sworn account so that summary judgment may be used.

THANK YOU

9. Procedure

a. After copying the facts from the client and inserting them in the form, contact the appropriate Clerk of the court for filing fees and service of process requirements.

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b. Upon filing the Petition, obtain either a default judgment if the debtor fails to answer within the prescribed time period, or commence discovery procedures.

10. Post judgment interest

Call for more information

a. All judgments of Texas state courts based on a contract that provides for a specific rate of interest shall earn interest at a rate equal to the lesser of (a) the rate specified in said contract or (b) the maximum allowed by law.

b. Except as provided for above, all judgments of Texas state courts shall earn interest at the rate published by the Consumer Credit Commission.

Or

c. All petitions in which post judgment interest is requested should reflect the revised interest rates allowable for post judgment interest. Accordingly, requests for interest rates lower than that specified above should be deleted from the petition.

Legal Help!!!

d. It is recommended that the petition pray for prejudgment and post judgment interest at the maximum rate allowed by law.

Form: Plaintiff's original petition for a writ in a court

PREVIEW ONLY

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

vs.

[Name],
DEFENDANT

[Court number]

OF [NAME], COUNTY, TEXAS

PLEASE DO NOT COPY

PLAINTIFF'S ORIGINAL PETITION

THIS DOCUMENT

[Names], Plaintiffs, complain of [Names], Defendants, and for cause of action would respectfully show the Court as follows:

1. DISCOVERY CONTROL PLAN

THANK YOU

1.1 Plaintiff requests a Level [1, 2 or 3] discovery plan.

2. PARTIES

2.1 Plaintiff is [Name], an [individual who resides in [state the type of entity such as corporation etc. who does business in] [city], County, Texas.

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2.2 Defendant, [select the appropriate clause]

Individual Defendant:

Call for more information

[Name], is an individual who resides in [city], [County, Texas] and may be served with Citation at [his or her] residence, located at [Address], or at [his or her] business, located at [Address]

Texas Corporate Defendant:

Or

Defendant [Name] is a Texas corporation purportedly duly organized under the laws of Texas, and may be served with process by serving its registered agent [Name], at the corporation's registered address, [Address]

Texas Limited Liability Company Defendant:

Legal Help!!!

Defendant [Name] is a Texas Limited Liability Company purportedly duly organized under the laws of Texas, and may be served with process by serving its registered agent or managing partner, [Name], at the company's registered address, [Address].

Foreign Corporation Defendant- Long Arm Statute Service:

Defendant [Name] is a foreign corporation, nonresident of Texas, which has no Certificate of Authority for doing business in the State of Texas.

Although [Name] engages in business in Texas, no agent has been designated for service of citation, and it has no regular place of business in Texas.

As set forth in this petition, [Name] [described business done in Texas]. Because this lawsuit arises out of [Name]'s purposeful acts in Texas, the assumption of jurisdiction by this Court does not offend traditional notions of fair play and substantial justice.

Service of citation on [Name] may be accomplished by serving the Secretary of State of Texas who will forward such citation by certified mail, return receipt requested, to [Name] at [Name's mailing address use registered agent at home state].

Foreign Individual Defendant- Long Arm Statute Service:

Defendant [Name] is a nonresident who engages in business in Texas. This defendant does not maintain a regular place of business in Texas or a designated agent for service of process.

This lawsuit in which [Name] is a party, arise out of the business done by [Name] in Texas. For these reasons, citation should be served on the Secretary of State of Texas.

A copy of the citation and petition should be mailed by the Secretary of State to this defendant at [Name's mailing address].

Limited Partnership Defendant:

Legal Help!!!

Defendant [Name] is a limited partnership chartered and existing under the laws of [state: i.e. Texas], and may be served with process by serving one of its general partners, [Name] at

[Address], and may be served by serving another general partner, [Name] at [Address]

3. VENUE AND FACTS

3.1 The subject matter of this suit arose in [Name] County. The Defendant resides in said county and Plaintiff maintains a place of business and does business in said County. Accordingly venue is proper in [Name] County, Texas.

3.2 In the usual course of business, Plaintiff [described activity, such as: sold] to Defendant the items as shown in Exhibit [A] which is attached and incorporated by reference.

3.3 Defendant accepted the items identified and described in Exhibit [A] and therefore became obligated to pay to Plaintiff the price stated in Exhibit [A].

3.4 This price constitutes the agreed to and/or customary reasonable charge for the items.

3.5 Exhibit [A] constitutes an enforceable contract between the parties to this action and represents a sworn account of which a systematic record has been kept.

4. PERFORMANCE

4.1 Plaintiff would show this the Court that it has performed its obligations owed Defendant and all conditions precedent have been complied with by Plaintiff.

5. DEFAULT

5.1 Defendant was required to [insert Defendant's contractual performance terms].

5.2 Defendant failed to perform those obligations as reflected by Exhibit [A] and therefore defaulted in the making of the following payments: [specify how payments should have been made].

Legal Help!!!

5.3 Plaintiff has given Defendant credit for all just and lawful offsets, credits and payments in determining the monies owed to Plaintiff.

PREVIEW ONLY

+++++ 6. DEMAND +++++

6.1 Plaintiff has made reasonable and just demand upon Defendant as follows: [state how the demand was made on defendant].

PLEASE DO NOT COPY

6.2 Notwithstanding the above just and reasonable demands, Defendant has failed to and continues to fail to pay Plaintiff the monies owed to Plaintiff.

6.3 [Add facts applicable to repossessing if that relief is requested.]

THIS DOCUMENT

+++++ 7. ATTORNEY FEES +++++

7.1 As a result of Defendant's failure to meet its obligations to Plaintiff, and due to Defendant's default on those obligations, Plaintiff has been required to employ the undersigned attorney to file and prosecute this suit.

THANK YOU

7.2 Plaintiff's claims have been timely presented to Defendant and the claims remain unpaid. Accordingly, Plaintiff is entitled to receive reasonable attorney fees.

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7.3 Plaintiff is therefore entitled to receive [state amount plaintiff is seeking], and a sum which may be proved at trial for reasonable attorney fees.

Call for more information

PRAYER

+++++ Plaintiff prays that: +++++

1. Defendant be cited to appear and answer the allegations contained in this petition,
2. Plaintiff be awarded a judgment against Defendant in the amount of \$ [_____],
3. Plaintiff be awarded prejudgment interest at the rate of [percent] [per year or any such higher sum allowed by the agreement or law on this account], commencing from the [30th] day from the date this account was due and payable until the date of judgment,

Or

Legal Help!!!

4. Plaintiff be awarded a judgment for [] as reasonable attorney fees,
5. Plaintiff be awarded judgment for all costs of court incurred by Plaintiff,
6. Plaintiff be granted judgment for post judgment interest of [] percent per year until the total amount of the judgment is paid, and
7. Plaintiff be granted any other and further relief, special or general, legal or equitable, as Plaintiff may show [] [himself or herself] to be justly entitled to receive

Respectfully Submitted,

THIS DOCUMENT

[Law Firm Name]

By

THANK YOU

[Attorney's Name]

Attorney for Plaintiff

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

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EXHIBIT A

Call for more information

AFFIDAVIT FOR VERIFIED ACCOUNT

BEFORE ME, the undersigned authority, on this day personally appeared [name of representative of client], Plaintiff, who being by me first duly sworn, stated on his or her oath that following facts are true:

1. My name is [Name], and I am the agent of [Company], Plaintiff in the attached petition, and am duly qualified and authorized to make this affidavit.
2. I am employed by [name of plaintiff employer], and I have the care, custody and control of the records concerning the account of [Name], Defendant.
3. I have reviewed the Defendant's records and they show that the Defendant owes the Plaintiff the sum of \$[state the principal interest and other charges amount] for [state basis of claim, such as: goods sold]. Although Plaintiff has made repeated demands upon Defendant to pay

Legal Help!!!

the account, Defendant has failed and refused, and continues to fail and refuse, to pay this account. All just and lawful offsets and credits have been allowed.

PREVIEW ONLY

4. I have read the foregoing Petition and this affidavit and the attached Exhibit, which details Defendant's account and which will be attached to the Petition. The facts contained in the Petition and Exhibit are within my personal knowledge and are just, true and correct. The Defendant has been given all just and lawful offsets, payments and credits.

PLEASE DO NOT COPY

+++++ Affiant's Signature +++++

Affiant on oath swears that the statements are true and correct based on his or her personal knowledge and Affiant's name:

THIS DOCUMENT

State of Texas

County of +++++

Subscribed and sworn to before me on _____ by _____

THANK YOU

+++++

Signature of officer

LegalFormsForTexas.Com

Notary's typed or printed name

+++++ My commission expires: +++++

Call for more information

[or Notary's Stamp]

+++++

Or

+++++

Legal Help!!!

Information & Instructions: Filing letter to the court

PREVIEW ONLY

1. Filing letters may be used to transmit to the court frequently filed documents. Some courts have special intake forms that must be completed when filing court pleadings such as forms to assist the court in processing service of citations.

2. Some courts now allow fax transmission of court filings. Check with the clerk's office to inquire about maintaining a deposit for fees or credit card billing. This can eliminate the need to file documents in person or through the use of a delivery service.

3. Texas Rule of Civil Procedure 191 provides the following documents are no longer filed with the court clerk's office, unless ordered by the Court:

a. Depositions TRCP Rule 190

THIS DOCUMENT

b. Requests for Production of Documents, Examination of Real Estate, Responses Thereto TRCP Rule 196

c. Requests and Motions for Entry Upon and Examination of Real Estate

d. Depositions Upon Written Questions TRCP Rule 199, and

e. Interrogatories or Copy of Interrogatories TRCP Rule 197 [Former rule required filing with the clerk amended rule has deleted the filing requirement.]

THANK YOU

Form: Filing letter to the court

LegalFormsForTexas.Com

[Date]

[Name], Clerk of the Court

[Address]

Call for more information

Regarding: [Case name, case no., and Court]

Dear [Name] Clerk of the Court:

Please file the following documents or pleadings [list the documents or pleadings]

Or

[If applicable:

Please set the same for hearing on [Date] at [time]

Request the Judge to sign the enclosed order.

Please record and return the enclosed document.

Legal Help!!!

Enclosed is our check in the amount of \$[Amount] to cover the costs incurred in this matter.

PREVIEW ONLY

By copy of this letter, we are forwarding a copy of the enclosed, to all parties of record's opposing counsel or party if represented "pro se".

++++
Please acknowledge your receipt of this filing transmittal by affixing your stamp to a copy of this letter and returning it to the undersigned.

PLEASE DO NOT COPY

Thank you for your cooperation.

++++ Very truly yours, +++++

THIS DOCUMENT

[Attorney's name]

++++

THANK YOU

++++

LegalFormsForTexas.Com

++++

Call for more information

++++

Or

++++

Legal Help!!!

Information & Instructions: Transmittal letter to sheriff or constable

PREVIEW ONLY

1. The following letter may be used to have the Sheriff or Constable obtain service upon a party to an action.

Form: Transmittal letter to sheriff or constable

PLEASE DO NOT COPY

[Date]

[Sheriff or Constable's Name]

[Address]

Regarding: [Case name, case no. and court]

THIS DOCUMENT

Dear :[Sheriff or Constable]

Enclosed please find Plaintiff's Original Petition and the accompanying Service of Citation form. Please serve, Defendant, at [Address]. Enclosed is a check in the amount of \$[Amount], to cover your fee for the same.

THANK YOU

Please have the Deputy that serves the Plaintiff's Original Petition complete the required information regarding the person served, the date, time and place where the instrument was served.

Thereafter, please return to our office so that we may file the Citation with the appropriate court.

If you have any questions or encounter any difficulty in serving Defendant, please contact us so that we may assist you. If you ascertain that the Address stated herein for the Defendant is a bad Address, please call me collect at the above number so that we may resolve this matter without the delay of having the Petition and Citation returned to the Court.

Thank you in advance for your attention to this matter.

Call for more information

Very truly yours,

[Attorney's name]

Or

Legal Help!!!

Information & Instructions: Default judgments

PREVIEW ONLY

1. The purpose of a default judgment is to secure a binding and enforceable judgment upon the defendant when the defendant has been duly served and has failed to file an answer within the required time period.

2. Prior to obtaining a default judgment, the attorney should satisfy the following minimum requirements to prevent the judgment from being later overturned:

a. The defendant must have been properly served.

b. If service has been effected through the secretary of state the court file must contain proof that the citation was actually forwarded to the defendant. Furthermore, the appropriate certificate from the secretary of state's office should also be included in the court file.

c. If the defendant was served by substituted service instead of by personal service, the record must show that the officer used "due diligence" in attempting to serve the defendant. A proper motion and order for substituted service should be obtained and placed in the court file prior to the use of substituted service.

d. If the defendant has been served by publication, the attorney must have secured an "attorney ad litem" to represent the defendant.

e. The citation must be on file with the clerk for at least 10 days prior to the judgment. See FRCP 10, 239.

f. If the defendant is in the armed services, special service of citation procedures must be used. If the defendant is not in the armed services, the Default Judgment should contain an affidavit attached to the Judgment (and included in the court file) stating that the defendant is not in the armed services.

g. If the damages are liquidated, the Petition and contract should be sufficient to prove damages. If however, the damages are unliquidated, (not proved by an instrument in writing), the damages must be "proved up" pursuant to an evidentiary hearing. An example of unliquidated damages is a reasonable amount of attorney fees for breach of contract.

3. Procedure

a. Ascertain whether or not damages are liquidated or unliquidated.

b. Take appropriate steps to "prove up" damages.

c. Insert the information in the form listed below.

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Call for more information

Or

Legal Help!!!

- d. Verify proper service and return date for defendant's answer.
- e. Complete the Default Judgment form.

PREVIEW ONLY

+++++
f. Complete the Certificate of Last Known Mailing Address

g. Include the affidavit that the defendant is not in the military and the affidavit of attorney's fees.

- h. File all the above Default Judgment forms with the court.

+++++
i. If damages are unliquidated, set a hearing to prove up the damages.

PLEASE DO NOT COPY

THIS DOCUMENT

+++++

THANK YOU

+++++

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+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

Form: Default judgment

PREVIEW ONLY

CAUSE NUMBER _____

[Name] IN THE [Type of Court] COURT
PLAINTIFF

vs. [Court number]
[Name], OF [NAME], COUNTY, TEXAS
DEFENDANT

+++++
DEFAULT JUDGMENT
+++++

On _____ the Court heard Plaintiff's Motion for Default Judgment against

Defendant [Name].

1. The appeared in person and by and through Plaintiff's attorney of record.

2. Defendant, [Name] was duly served on process on [date], however, Defendant [Name] failed to appear on [his or her] behalf, but wholly made default.

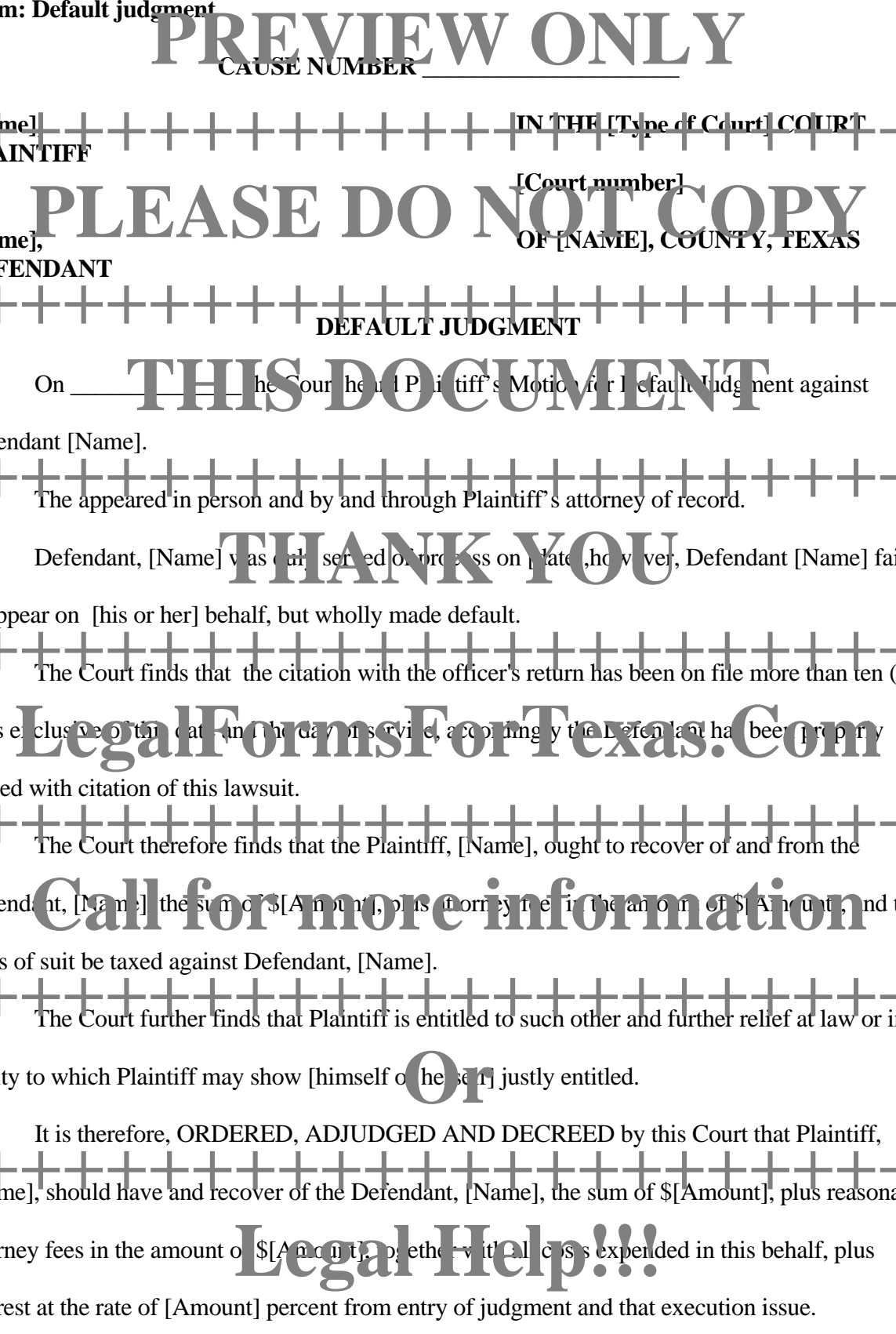
3. The Court finds that the citation with the officer's return has been on file more than ten (10) days exclusive of the date and the day of service, accordingly the Defendant has been properly served with citation of this lawsuit.

4. The Court therefore finds that the Plaintiff, [Name], ought to recover of and from the Defendant, [Name] the sum of \$[Amount], plus attorney fees in the amount of \$[Amount], and that costs of suit be taxed against Defendant, [Name].

5. The Court further finds that Plaintiff is entitled to such other and further relief at law or in equity to which Plaintiff may show [himself or herself] justly entitled.

It is therefore, ORDERED, ADJUDGED AND DECREED by this Court that Plaintiff, [Name], should have and recover of the Defendant, [Name], the sum of \$[Amount], plus reasonable

attorney fees in the amount of \$[Amount], together with all costs expended in this behalf, plus interest at the rate of [Amount] percent from entry of judgment and that execution issue.



Legal Help!!!

Signed on **PREVIEW ONLY**

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

PLEASE DO NOT COPY

[Law Firm's or Attorney's Name]

Attorney for Plaintiff

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

THIS DOCUMENT

APPROVED AS TO FORM ONLY:

[Law Firm's or Attorney's Name]

Attorney for Defendant

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

THANK YOU

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Call for more information

Or

Legal Help!!!

Form: Affidavit on attorney fees

PREVIEW ONLY

The State of Texas

County of _____



EXHIBIT "A"

AFFIDAVIT ON ATTORNEY'S FEES

PLEASE DO NOT COPY

BEFORE ME, the undersigned authority, on this day personally appeared [name], who is personally known to me as the attorney of record for Plaintiff,[name of plaintiff], and [his or her] oath being duly sworn, deposed and said:

- "I am an attorney licensed to practice law in the State of Texas since [date].
- My Texas Bar Card Number is _____.
- "I certify that reasonable compensation for the time and effort devoted to the above-entitled and numbered cause is the sum of \$ [Amount]."
- "The above-requested attorney fees are based upon the following [describe the legal work performed which justifies the attorney fee award].

THIS DOCUMENT

THANK YOU



Affiant's Signature

Affiant on oath swears that the statements are true and correct based on his or her personal knowledge and Affiant has:

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State of Texas

County of [County Name]

Subscribed and sworn to before me on _____ by [Name]

Call for more information



Signature of officer

Notary's typed or printed name



My commission expires:

Legal Help!!!
[or Notary's Stamp]

Form: Certificate of Last Known Mailing Address

PREVIEW ONLY

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

I, the attorney for Plaintiff, hereby certify that based upon a review of Plaintiff's records and records of the public domain, the last known mailing address of [name], Defendant in the above entitled cause is

PLEASE DO NOT COPY

+++++

[Name]

Attorney for Plaintiff

THIS DOCUMENT

+++++

THANK YOU

+++++

LegalFormsForTexas.Com

+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

Form: Affidavit of Military Status

PREVIEW ONLY

The State of Texas

County of _____

NONMILITARY AFFIDAVIT

PLEASE DO NOT COPY

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned

Affiant, known to me as _____, who being by me duly sworn, on oath stated:

1. "I am attorney of record for [Name], Plaintiff in the above-entitled and numbered cause.

2. Based on a review of Plaintiff's records and records in the public domain, Defendant, [Name], was not in any branch of the military service when this suit was filed.

3. Defendant has not been in military service at any time since then, and Defendant is not now in any military service of the United States of America."

Attorney for Plaintiff

State of Texas

County of [County Name]

LegalFormsForTexas.Com

Subscribed and sworn to before me on _____ by [Name]

Call for more information

Signature of officer

Notary's typed or printed name

Or
My commission expires:

[or Notary's Stamp]

Legal Help!!!

Information & Instructions: Required check to see if the defendant is an active member of the armed forces/military - The Servicemembers Civil Relief Act ("SCRA")

PREVIEW ONLY

1. Prior to obtaining a default judgment you must search the Defense Manpower Data Center's website to see if the defendant is in the military. You will need the Defendant's first and last name plus his or her social security number.
2. Then log on to Defense Manpower Data Center's website: <https://www.dmdc.osd.mil/scra/owa/scra.home> and perform the search.
3. Print out the Defense Manpower Data Center report and attach it to the following affidavit.

PLEASE DO NOT COPY

THIS DOCUMENT

+++++

THANK YOU

+++++

LegalFormsForTexas.Com

+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

State Of Texas
County of _____

PREVIEW ONLY

APPLICANT'S SOLDIERS & SAILORS AFFIDAVIT

Before me, the undersigned notary, on this day, personally appeared [Name of person signing the affidavit], a person whose identity is known to me. After I administered an oath to him, upon his oath, he said:

1. "My name is [Name of person signing the affidavit]. I am attorney for the applicant in this cause. I am capable of making the affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. [Name of the Defendant] the Defendant, is not in the military. I have knowledge of this fact because I requested that the Department of Defense Manpower Data System, an organization of the U.S. Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database, which is the official source of data on eligibility for military medical care and other eligibility systems, execute an inquiry as to whether [Name of the Defendant], the Defendant, is on active duty in any of the armed forces. As a result of this inquiry, it was determined that the Defendant is not on active duty in the military. Attached is a true and correct copy of the verification from the Department of Defense Manpower Data Center that indicates the Defendant is not currently on active military duty."

Respectfully submitted,
[Law Firm's Name]

Or

By _____ [Name of person signing the attorney]
Texas Bar Card No. [Bar card number]
[Attorney's address]
Attorney For Movant

Legal Help!!!

State of Texas
County of [County Name]

PREVIEW ONLY

Subscribed and sworn to before me on _____ by [Name]

+++++

PLEASE DO NOT COPY

Signature of officer

+++++

Notary's typed or printed name

THIS DOCUMENT

My commission expires:

[or Notary's Stamp]

+++++

THANK YOU

+++++

LegalFormsForTexas.Com

+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

Form: Notice regarding default judgment

PREVIEW ONLY

[Date]

[Addressee]

Dear [Name]:

I am writing to inform you that a Default Judgment was entered against you On _____ for \$ [Amount].

Since this Judgment was signed over 30 days ago, the Judgment has now been abstracted and filed in the County Clerk's office in [County] Texas.

My client,[name], desires to resolve this matter. I therefore request that you contact me within 10 days of receipt of this letter to work out a payment arrangement.

If I do not hear from you within the above described time period, post judgment collection procedures may be initiated against you. This can include but is not limited to post judgment depositions and/or interrogatories. My client can also request the court to attach all of your nonexempt property to satisfy the debt.

As you can see, this is a serious situation. To avoid added cost and inconvenience, please contact me immediately concerning this matter. A copy of the abstracted Judgment is enclosed.

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[State e.v.]

[Attorney's name]

Enclosures

Call for more information

Or

Legal Help!!!

Information & Instructions: Agreed Order and Judgment

PREVIEW ONLY

1. The purpose of an Agreed Order and Judgment is to ratify the debt or obligation owed to the plaintiff and to obtain an enforceable Judgment.

2. The Judgment secures payment of the debt in the event that the debtor does not comply with the agreement.

3. An Agreed Judgment eliminates the time and expense of litigation.

4. It is preferred over a note or a new contract which confirms the parties' understanding because the Judgment has the force and effect of court approval.

5. It entitles the plaintiff to commence execution of Judgment procedures in the event that the defendant does not abide by the agreement. If the plaintiff merely obtained a note and debtor failed to pay the monies owed under the note, counsel would have to initiate suit and begin the process anew.

6. In drafting the Judgment, counsel must specify the exact monies to be paid to plaintiff and the time or terms of payment. Bear in mind that in order for the Judgment to be effective and enforceable, it must comply with the standard rules applicable to the drafting of Judgments.

7. Procedure

a. Meet with the defendant (or with defendant's attorney if the defendant is represented by counsel) and determine a settlement figure.

b. Insert the amount for the Judgment and attorney fees in the form.

c. Also specify the terms of payment.

d. After obtaining the parties' signature, file the Agreed Order and Judgment with the court.

e. Have the judge sign the order.

f. If default is made on the agreement, commence execution of Judgment procedures.

Or

Form: Agreed order and judgment

CAUSE NUMBER _____

[Name],
PLAINTIFF

Legal Help!!!
[City] [Type of Court] COURT

[Court number]

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THANK YOU

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Call for more information

vs.
[Name],
DEFENDANT

PREVIEW ONLY OF [NAME] COUNTY, TEXAS

+++++ AGREED ORDER AND JUDGMENT +++++

On _____, the Court being regularly in Session, at the place wherein the above entitled cause was commenced, came on to be heard, Plaintiff, [name], by and through Plaintiff's attorney of record, and Defendant [name], by and through Defendant's attorney of record, and there upon it was announced in open court that an agreement for settlement had been reached.

Accordingly, all matters in controversy have been settled and compromised: Defendant does not agree to the allegations in Plaintiff's petition and does not admit to those allegations; however, since the parties desire to resolve this matter, Defendant agrees to pay to Plaintiff the sum of \$[Amount]. Accordingly, the Court orders, adjudges and decrees that Defendant pay to Plaintiff the sum of \$[Amount], payable as follows: \$[Amount] on or before [date]; the remaining balance of \$[Amount] shall bear a rate of interest of [Amount] percent (%) per annum and shall be payable in monthly installments of \$[Amount] per month commencing On _____ and each successive month thereafter on the [day] of the month until the balance is paid off by payment of \$[Amount] on or before [date].

It is further agreed that in the event Defendant defaults upon this payment schedule stated above, Plaintiff shall recover from Defendant any and all attorney fees incurred as a result of Plaintiff's action(s) filed to enforce this Agreed Settlement and Judgment. Plaintiff shall likewise be entitled to any and all post judgment process and relief against Defendant as provided by law, and it is further

ORDERED, ADJUDGED AND DECREED that each party shall pay [his or her] costs in this case incurred, for which the Clerk of the Court may have execution.

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THANK YOU

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Or

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Signed on **PREVIEW ONLY**

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

PLEASE DO NOT COPY

[Law Firm's or Attorney's Name]

Attorney for Plaintiff

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

THIS DOCUMENT

APPROVED AS TO FORM ONLY:

[Law Firm's or Attorney's Name]

Attorney for Defendant

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

THANK YOU

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Call for more information

Or

Legal Help!!!

Information & Instructions: Summary judgment

PREVIEW ONLY

1. The purpose of a Summary Judgment is to expedite the collection process and avoid the expense and delay of a trial. Summary Judgments are most commonly obtained in breach of contract and sworn account matters.

2. In order to obtain a Summary Judgment, TRCP 166A must be complied with. There must be an absence of any disputed material fact questions. Proper service must have been obtained upon defendant.

3. If the defendant does not file verified pleadings but files a general denial, Summary Judgment may generally prevail. Summary Judgment may also prevail in a suit for a promissory note or breach of contract if no defense is offered or affirmative pleadings are not properly pled and filed. The promissory note should be attached to an affidavit and incorporated into the Motion for Summary Judgment.

4. Procedure
a. Complete the proper forms.
b. Obtain the necessary affidavits and include the documents necessary to support the Summary Judgment.

c. File the above with the court.
d. Give 2 days notice of the Summary Judgment hearing to the opposing counsel.

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Form: Plaintiff's motion for summary judgment

CAUSE NUMBER _____

[Name]
PLAINTIFF

IN [Type of Court] COURT

[Court number]

vs.
[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

Or

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

[Name of plaintiff], "Plaintiff" files this Motion for Summary Judgment and states to the court that this motion should be granted for the following reasons:

Legal Help!!!

1. PARTIES

1.1 Movant is the Plaintiff in the above-style suit.

PREVIEW ONLY

1.2 This Motion is against [name of defendant] Defendant. Defendant has been served according to law and entered an appearance in this suit by and through [his or her] attorney of record.



2. NATURE OF ACTION

2.1 Plaintiff's cause of action is for the breach of a [specify instrument, such as contract, promissory note, or unpaid sworn account], plus interest, attorney fees, and costs of court as pleaded in Plaintiff's Original Petition which is on file in this cause. Plaintiff incorporates by reference the petition as if the same was duly recited verbatim at length in the motion.

PLEASE DO NOT COPY



3. GROUNDS

THIS DOCUMENT

3.1 Plaintiff's Motion for Summary Judgment embraces its entire claim against the Defendant.

3.2 The affidavit attached in Exhibit "B" shows as a matter of law that Plaintiff is entitled to Judgment against Defendant in the amount of \$[Amount], since Plaintiff has delivered the goods or services to Defendant as set forth in Exhibit "A".

3.3 As supported by the Affidavit in Exhibit "B", the monies owed to the Plaintiff were agreed to by the Defendant, and these monies are the usual and customary price for similar goods or services. Furthermore, the monies have not been paid to the Plaintiff by the Defendant even though Plaintiff has made demand on the Defendant to pay the same.

THANK YOU

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4. ATTORNEY FEES

4.1 Due to the Defendant's refusal to pay the Plaintiff the monies referred to in Exhibit "A", Plaintiff has been required to employ the services of [name of attorney], an attorney licensed with the State of Texas.

4.2 Plaintiff is entitled to recover reasonable attorney fees pursuant to Civil Practice & Remedies Code, Section 38.001, et seq., 31.004, 31.005, 105.001 et seq. because the Plaintiff presented its claim to the Defendant more than thirty (30) days before judgment will be entered in this cause.

Call for more information

4.3 Attached in Exhibit "C" is the Affidavit of [name of attorney], which shows as a matter of law that Plaintiff is entitled to recover \$[Amount] in reasonable attorney fees in this cause.

PRAYER



Plaintiff requests that:

1. This matter be set for a hearing week -on (1) calendar after the Defendant receives notice of this Motion and upon completion of this hearing;

Legal Help!!!

2. The Court grant Plaintiff's Motion for Summary Judgment against [name], Defendant;

3. Plaintiff be awarded a judgment against the Defendant for \$[Amount] on the debt owed to the Plaintiff. If the Court finds facts which are controverted, Plaintiff requests the Court grant plaintiff a Partial Summary Judgment which specifies those facts that are without substantial controversy;

4. Plaintiff be awarded attorney fees against the Defendant in the amount of [amount]. Plaintiff prays in the alternative that, the court set and hold a hearing on the matter of the attorney fees immediately after the Summary Judgment hearing. Plaintiff further prays the Court thereafter enter an order stating the amount of attorney fees to be awarded to Plaintiff;

5. Plaintiff be awarded prejudgment interest against the Defendant in the amount of \$[Amount];

6. Plaintiff be awarded post judgment interest against Defendant at the rate \$[Amount] percent ([Amount] %) from the date of Judgment until the entire Judgment is paid in full;

7. Plaintiff be awarded _____ for reimbursement of costs expended in this cause by Plaintiff; and,

8. Plaintiff be awarded any other and further relief, special or general, legal or equitable, to which Plaintiff may be justly entitled.

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Respectfully Submitted,

[Law Firm Name]

By _____

Call for more information

[Attorney's Name]

Attorney for [Plaintiff, Defendant or Movant]

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

Form: Affidavit for attorney fees

Legal Help!!!

AFFIDAVIT FOR ATTORNEY'S FEES

The State of Texas
County of _____

PREVIEW ONLY

Before me, the undersigned authority, on this day personally appeared [name of attorney], who being by me duly sworn did state as follows:

1. My name is _____ and I have personal knowledge of the facts set out in this Affidavit. I am making this Affidavit in support of Plaintiff Motion for Summary Judgment in Cause no. _____ entitled [style of the case], which is currently pending in the [court designation] Court of [Name of County], Texas.

2. I am a duly licensed attorney in the State of Texas and I practice in the Courts of this county. I have appeared as attorney of record in cases similar to this one in which attorney fees have been awarded by the Court on a Motion for Summary Judgment. I am also familiar with the attorney fees customarily awarded by the Courts of this county.

3. On _____ more than thirty (30) days prior to the hearing of this suit written demand was made upon Defendant for payment of the indebtedness forming the basis of Plaintiff's cause of action. Because of Defendant's failure to pay as demanded, Plaintiff retained the firm of [name] to file this suit and collect from Defendant the debt owing to Plaintiff. This is an action based upon a claim for monies owed to Plaintiff by Defendant for certain [specify basis, such as: goods, wares, merchandise and/or services] which were sold to defendant at the usual, customary and reasonable price and for which Defendant failed to pay, although Defendant had promised to pay Plaintiff for the same. Accordingly, Plaintiff has requested recovery of reasonable attorney fees according to Civil Practice & Remedies Code, Sections 38.001, et seq., 31.004, 31.005, 105.001 et seq. according to the requirements of these sections. Plaintiff did not file a written demand on Defendant for payment of the sums on which this lawsuit is based more than thirty (30) days prior to the execution of this Affidavit.

4. I have read Civil Practice & Remedies Code, Sections 38.001, et seq., 31.004, 31.005, 105.001 et seq. which state: "any person, corporation, partnership, or other legal entity having a valid claim against a person or corporation for services rendered, a collection, that includes, overcharges on freight or express, lost or damaged freight or express, or stock killed or injured or suits founded upon a sworn account or accounts, or suits founded on oral or written contracts, may present the same to such persons or corporation or to any duly authorized agent thereof; and if at the expiration of thirty (30) days thereafter, payment for the just amount owing has not been tendered, the claimant may, if represented by an attorney also recover, in addition to this claim and cost, a reasonable amount of attorney's fees."

Or

5. On _____ Plaintiff employed me to collect the claim on which this suit is based. Between then and the date of this Affidavit, I have performed _____ hours of work on this matter, including doing or causing to be done the following:

- a. Review of client's file on this matter;
- b. Opening a litigation file in this law office;

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PREVIEW ONLY

c. Preparing and sending out a demand letter;

d. [If applicable: Checking with 'doing business as' records at the County Courthouse;]

e. [If applicable: Checking with the Secretary of State's office regarding the possibility of incorporation;]

f. Preparing and filing the Plaintiff's Original Petition;

g. Numerous telephone calls and other communication required in the exercise of due diligence to obtain service of process on the Defendant;

h. Receiving and analyzing Defendant's Original Answer;

i. Communication with Plaintiff regarding the status of the case and possible acceptance of offers of settlement; numerous telephone calls to the parties and/or their attorneys in this matter which may have included but were not limited to proposed settlement offers and possible acceptance by Plaintiff;

j. Preparation of Plaintiff's Motion for Summary Judgment;

k. Preparation of a Summary Judgment Affidavit;

l. Preparation of an Affidavit for attorney fees; and

m. Appearance in court to argue Motion for Summary Judgment.

6. Due to the amount in controversy, the nature of this case, the amount of time spent in this cause, and due to the probability that once a judgment is awarded, additional services may be required in order to secure payment, it is my opinion that reasonable attorney fees in this case total at least [Amount].

[Law Firm Name]

By

Or

[Attorney's Name]

[name of attorney], being by me duly sworn upon [his or her] oath states that [he or she] is the attorney for Plaintiff in the above cause, that [he or she] has personal knowledge of the facts set forth in the foregoing Affidavit and is duly authorized to make such Affidavit, and that all of the facts stated in the Affidavit are true and correct.

State of Texas

County of [County Name]

PREVIEW ONLY

Subscribed and sworn to before me on _____ by [Name]



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Signature of officer



Notary's typed or printed name

THIS DOCUMENT

My commission expires:

[or Notary's Stamp]

Form: Affidavit in support of plaintiff's motion for summary judgment



EXHIBIT "B"
THANK YOU
AFFIDAVIT IN SUPPORT OF



PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

The State of Texas
County of _____

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Before me, the undersigned authority, on this day personally appeared the undersigned Affiant, who, being by me duly sworn, on oath stated:



1. My name is [Name]. I am at least eighteen years of age, of sound mind, capable of making this affidavit, and fully competent to testify to the matters stated herein and I have personal knowledge of each of those matters stated.

2. I am presently employed by [name of employer], Plaintiff, in the capacity of [specify], and I have been so employed since [date]. As part of my duties in that employment, I am custodian of the business records of Plaintiff which includes the records applicable to Defendant in this cause of action.

Or

3. Attached to this motion as Exhibit "A" is a copy of the statement of Defendant's account with Plaintiff which copy is a true and correct duplicate of the original. The attached exhibits are incorporated into this affidavit as if set out verbatim. In the usual course of business, Plaintiff furnished to Defendant certain goods, wares, merchandise or services, as described in Exhibit "A" of this motion. Defendant accepted the goods, wares, merchandise or services.

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4. Each record was kept by Plaintiff in the regular course of business. It was the regular course of the Plaintiff's business for the Plaintiff or an employee or representative of Plaintiff, with personal knowledge of the act, event, or condition recorded, to make the record or to transmit information to be included in that record.

5. Each record attached to this affidavit was made at or near the time of the act, event, or condition recorded or reasonably soon thereafter and each copy attached is an exact duplicate of the original record, and each copy was made under my personal supervision.

6. "Exhibit "A" to this motion describes each item delivered or the services provided, the price of each item or service, and the date each item or service was provided to Defendant.

7. The price of each item, as stated in Exhibit "A" of this motion was the usual and customary price for that item and was agreed to by Defendant.

8. Defendant has defaulted in paying this account. The balance of the account as stated in Exhibit "A" of this motion is the amount owed to the Plaintiff by the Defendant after every just and lawful offset, credit, or payment has been allowed.

9. On _____ Plaintiff demanded that Defendant pay the monies owed to Plaintiff. Defendant has not paid the monies owed to Plaintiff.

10. As a result of Defendant's failure to pay to Plaintiff the monies owed, Plaintiff has been forced to employ [name], a licensed attorney, to file suit against Defendant.

LegalFormsForTexas.Com
Affiant's Signature

State of Texas
County of [County Name]

Affiant on oath swears that the statements herein are true and correct based on his or her personal knowledge and Affiant has:

Subscribed and sworn to before me on _____ by [Name]

Or

Signature of officer

Legal Help!!!

Notary's typed or printed name

My commission expires:

[or Party's stamp]

PREVIEW ONLY

Form: Notice of hearing

++++++
NOTICE OF HEARING

On _____ Plaintiff's Motion for Summary Judgment was brought before this Court to be considered; it is therefore,

++++++
ORDERED by this Court that this cause be set for hearing at _____ [time] on

_____ [date] at which time the Court will hear and rule on Plaintiff's Motion for Summary Judgment.

++++++

Signed on _____

THANK YOU

++++++
JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Summary Judgment, attachments, and Notice of Hearing 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: _____

- ___ 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.

++++++

[Attorney's signature]
Legal Help!!!

Form: Summary judgment order

PREVIEW ONLY

CAUSE NUMBER _____

[Name]
PLAINTIFF

IN THE [Type of Court] COURT

vs.
[Name],
DEFENDANT

[Court number]
OF [NAME], COUNTY, TEXAS

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FINAL SUMMARY JUDGMENT

On _____, the Court heard the Plaintiff's Motion for Summary Judgment; and the Plaintiff and Defendant respectively appeared by and through their attorneys of record.

The Court, having examined the pleadings on file and the summary judgment evidence, finds that no genuine issues of fact exist and Plaintiff is entitled, as a matter of law, to summary judgment in its favor. It is therefore,

Ordered, Adjudged and Decreed that the Plaintiff, [name], have and recover of and from the Defendant, [name], judgment as follows.

1. The sum of \$[Amount];
2. Prejudgment interest in the amount of \$[Amount], at the rate of [Amount] percent per annum from [date] through [date];
3. Post judgment interest at the rate of [Amount] percent per annum from the date of judgment until paid;

Or

4. Court costs; and
5. Attorney fees in the amount of \$[Amount];

for all of which let execution issue if not timely paid.

Signed on _____

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PREVIEW ONLY
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

[Law Firm's or Attorney's Name]
Attorney for [Plaintiff or Defendant]
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

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APPROVED AS TO FORM ONLY:

THIS DOCUMENT

[Law Firm's or Attorney's Name]
Attorney for [Plaintiff or Defendant]
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

THANK YOU

Information & Instructions: Letter to client regarding collection of judgments

1. If a judgment cannot be satisfied shortly after it is obtained, the attorney should inform the client that certain steps must be performed in order to keep the judgment alive.
2. It is recommended that the attorney inform the client that a judgment lien expires with the passage of time and that new Writs of Execution are necessary to continue the validity of the judgment.
3. The following letter is designed to accomplish that purpose.

Form: Letter to client regarding collection of judgments

[Date]

[Client name]
[Client address]

Or

Regarding: Judgment obtained against [name], Debtor

Amount of Judgment: \$[Amount]

Style of Case:

Legal Help!!!

Dear [Name of client]:

PREVIEW ONLY

We have obtained a judgment on your behalf against debtor's name in the amount of \$[Amount] in the [District Court, Cause No.], on or about [date]. We have requested an Abstract of Judgment and the same has been filed in [Name of County], the same count in which the abstract was filed.

As we have discussed, there are several Post judgment remedies that are available to collect a judgment which has not been discharged by bankruptcy including, but not limited to:

1. Propounding Interrogatories in aid of Judgment (in order to ascertain the Debtor's assets);
2. Taking the Debtor's oral deposition (to obtain information regarding [h/s or her] assets);
3. Collection procedures such as a Writ of Execution (whereby the Constable attempts to seize the Debtor's nonexempt property and sell the same to satisfy the debt);
4. Post judgment garnishment of the Debtor's bank accounts or monies held at a bank in a safe deposit box;
5. Peaceful repossession and/or attachment (if the creditor continues to hold a security interest in goods and property);
6. A turnover order designed to have nonexempt property turned over to a receiver or trustee for liquidation for payment of debts;
7. We have also discussed various third-party services that perform asset searches, locate bank accounts, etc.

At this point in time, you have informed my office that you do not desire to proceed with any of the above Post judgment collection measures. Accordingly, I am closing my file on this matter and shall perform no further work unless I am specifically requested, in writing, to do so.

This letter shall confirm to you in writing in which I inform you that the filing of an Abstract of Judgment creates a judgment lien on the Debtor's real property in the county in which the Abstract has been filed.

The Judgment remains valid unless it is discharged by a Debtor's bankruptcy. In order to keep a Judgment alive under the present Texas law, within ten years of the date of the Judgment a new Writ of Execution must be issued and a new Abstract of Judgment must be recorded.

I suggest that you frequently review the current law to ascertain whether or not the above time periods and requirements have changed. If so, you will need to comply with them. I also suggest that you calendarize the times for issuing new Abstracts of Judgment and requesting Writs of Execution in order to prevent the Judgment from expiring.

If you have any questions, please contact me. We have enjoyed working with you on this matter.

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THANK YOU

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Or

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Sincerely,
PREVIEW ONLY

+++++[Attorney's name]++++

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+++++

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+++++

THANK YOU

+++++

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+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

Letter to the clerk to request a Writ of Possession and a sample Writ of Possession form

PREVIEW ONLY

These two forms are used to obtain possession of real property after an eviction or forcible detainer action has been obtained.

Typically a landlord or lender (after foreclosure on the property) will file an eviction lawsuit to force the tenant to move out of the property.

PLEASE DO NOT COPY

After the eviction trial, a judgment is obtained. The judgment requires the tenant or borrower to vacate the property.

If the tenant or borrower fails to vacate the property within 5 days from the date of the eviction judgment and fails to file an appeal from the Justice of the Peace Court to the County Court at law, then the landlord or lender of the property may request the court issue a writ of possession.

THIS DOCUMENT

File the letter and proposed writ with the clerk of the court, pay the filing and service fees, then the judge will review the judgment and writ. Thereafter a writ is prepared and signed by the judge. The clerk of the court then forwards the writ to the constable's office for service of the writ.

THANK YOU

The constable's office will normally post a 48 hour notice on the door that advises the tenant or borrower that the constable's office will physically move all of the contents out of the property and require the person or persons to leave or vacate the property.

If the tenant or borrower has not vacated the property prior to the deadline, the constable's office will serve the writ and conduct a move out in order to gain possession of the property, then a locksmith to change the door locks and then have the person property removed from the premises (the real property).

At that point the landlord or owner now has possession of the real property and the tenant or borrower is out of the premises.

Call for more information

Or

Legal Help!!!

Letter to the clerk of the court requesting a writ of possession

PREVIEW ONLY

[Court's name and mailing address]

Regarding:

[Names of the Plaintiff and Defendant]

[Court case or cause number]

[Court number]

PLEASE DO NOT COPY

Dear Eviction Intake Department:

Per my conversation with one of your staff, please issue a Writ of Possession for the above cause and on the above property

THIS DOCUMENT

Enclosed please find a draft Writ of Possession for the court's review and the required constable's fee of \$[Amount of the fees].

Please present the Writ for the Judge's review and signature. If the court requires additional information or if I need to make changes to the Writ please call me and we will make the necessary changes.

THANK YOU

After the Judge has signed the Writ, please notify the constable's office per your usual manner.

Please provide the constable with the following contact information:

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[Contact Name]

[Contact Telephone Number:]

[Contact Fax Number:]

If you have any questions, please call me. Thank you for your assistance.

Call for more information

Sincerely

[Name]

Or

Legal Help!!!

CAUSE NO. [Case number]

PREVIEW ONLY

[Names of the Plaintiff and Defendant]

[Court case or cause number]

[Court number]

[Plaintiff's name]

IN THE JUSTICE COURT

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PLAINTIFF

V

PRECINCT [Precinct number]

[Defendant's name]

AND ALL OTHER OCCUPANTS
DEFENDANTS

[Name of county] COUNTY,
TEXAS

THIS DOCUMENT

WRIT OF POSSESSION

THE STATE OF TEXAS

TO THE CONSTABLE OF PRECINCT [Precinct number], [Name of county] COUNTY,
TEXAS:

THANK YOU

YOU ARE COMMANDED to remove all persons from the following described property

("Premises") in [Name of county] County, Texas;

[Defendant's name] and all other occupants. [Real Property address]

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and to put [Plaintiff's name] in possession of it

PURSUANT TO SECTION 24.061 OF THE TEXAS PROPERTY CODE, YOU ARE

Call for more information

FURTHER COMMANDED TO INSTRUCT THE TENANT AND ALL PERSONS CLAIMING

UNDER THE TENANT TO LEAVE THE PREMISES IMMEDIATELY AND IF THEY

REFUSE TO PHYSICALLY REMOVE THEM; TO INSTRUCT THE TENANT TO REMOVE

Or

OR TO ALLOW THE LANDLORD TO REMOVE ALL PERSONAL PROPERTY FROM THE

PREMISES AND TO PLACE OR HAVE AN AUTHORIZED PERSON TO PLACE THE

REMOVED PERSONAL PROPERTY OUTSIDE THE PREMISES AT A NEARBY LOCATION

Legal Help!!!

BUT NOT BLOCKING A PUBLIC SIDEWALK, PASSAGEWAY OR STREET AND NOT WHILE IT IS RAINING, SLEETING OR SNOWING.

PREVIEW ONLY

YOU ARE AUTHORIZED, AT YOUR DISCRETION, TO POST A WRITTEN WARNING ON THE EXTERIOR OF THE DOOR OF THE PREMISES NOTIFYING THE TENANT THAT THIS WRIT HAS BEEN ISSUED AND THAT IT WILL BE EXECUTED AT A SPECIFIC DATE AND TIME STATED IN THE WARNING.

THIS WRIT OF POSSESSION WAS ISSUED ON _____ AND WILL BE EXECUTED ON OR AFTER _____.

YOU ARE FURTHER AUTHORIZED TO ENGAGE THE SERVICES OF A BONDED OR INSURED WAREHOUSEMAN TO REMOVE AND STORE, SUBJECT TO APPLICABLE LAW, PART OR ALL OF THE PROPERTY AT NO COST TO YOU OR TO THE LANDLORD.

UNDER SECTION 7.003 OF THE TEXAS CIVIL PRACTICE AND REMEDIES CODE YOU ARE ADVISED THAT YOU ARE NOT LIABLE FOR DAMAGES RESULTING FROM THE EXECUTION OF THIS WRIT PROVIDED THAT YOU MAKE EXECUTION IN GOOD FAITH AND WITH REASONABLE DILIGENCE.

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dated: **Call for more information**

JUDGE PRESIDING
Precinct No. [Precinct number], [Name of county]
County, Texas

Legal Help!!!

Information & Instructions: Post judgment discovery

PREVIEW ONLY

1. The purpose of Post judgment discovery, either by deposition or interrogatories, is to ascertain what assets the debtor has that may be used to satisfy the judgment lien.

2. Frequently the debtor is not cooperative in disclosing that information. Accordingly interrogatories and depositions may be used to obtain the necessary information on the debtor's assets.

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THIS DOCUMENT

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THANK YOU

+++++

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+++++

Call for more information

+++++

Or

+++++

Legal Help!!!

Form: Plaintiff's interrogatories in aid of judgment

PREVIEW ONLY

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

vs.

[Name],
DEFENDANT

[Court number]

OF [NAME], COUNTY, TEXAS

PLEASE DO NOT COPY

PLAINTIFF'S INTERROGATORIES IN AID OF JUDGMENT

THIS DOCUMENT

To: [name of defendant], Defendant, and [his or her] attorney of record, [name of defendant's attorney]:

Per the Texas Rules of Civil Procedure, you are required to:

1. Answer in complete detail and in writing each of the succeeding interrogatories.
2. Sign your answers to the questions
3. Swear to the truth of your answers before a notary public or other judicial officer.
4. Deliver a complete, signed, and notarized copy of your answers to the undersigned attorney within thirty-one (31) days

5. File a true copy of your answers with the Clerk of the Court shown above, together with proof of service thereof.

If you fail to comply with the requirements above, the Court may order you held in contempt of court, fined, confined in jail until you obey all of the orders of the Court and to pay additional attorney fees.

Or

Respectfully Submitted,

Legal Help!!!
[Law Firm Name]

By _____

PREVIEW ONLY

[Attorney's Name]

+++++
+++++ Attorney for Plaintiff +++++
+++++ [Attorney's Address] +++++

PLEASE DO NOT COPY
+++++ [Telephone Number] +++++
+++++ [Facsimile Number] +++++
+++++ [Bar Card Number] +++++

+++++ **CERTIFICATE OF SERVICE** +++++
+++++

I certify that a true and correct copy of the foregoing Plaintiff's Interrogatories in Aid of Judgment has been served upon all attorneys of record and on 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:

- ____ 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.

+++++ [Attorney's signature] +++++

Call for more information

+++++

Or

+++++

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INTERROGATORIES
PREVIEW ONLY

1. State the indicated information:

+++++
a. Full legal name _____

Other names you have ever used _____
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c. Date of birth _____

+++++
d. Social Security Number _____

e. Driver's License No. _____
THIS DOCUMENT

f. Driver's License issued by State of _____

+++++
g. Business address _____

h. Residence address _____
THANK YOU

i. Business telephone _____

+++++
j. Residence telephone _____

2. If funds received from you remain in the name of a member of your family residing with you are in a checking or savings account, then for each account state: name and address of institution, name of account, account number, present balance, authorized signatures: [Name]
+++++

3. If you have been employed or done business during the past two years, then state:
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a. The nature of each employment or occupation you have had: _____

+++++
b. Each trade name or assumed name under which you have done business and

complete address where each such business was conducted: _____
Or

c. The full name and present address of each person who engaged in any partnership or business enterprise with you: [Name]
+++++

4. Using the information on your income tax returns of the past two (2) years, state the source and amount of each item of income listed for the year ended [years]: _____
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5. If you have an ownership interest or a leasehold interest in any real estate, then state, with respect to each parcel, the street address, full legal description, description of each structure or improvement, name and address of any other person who has an ownership interest in the property, ownership of property as stated in document of title, recording reference and present location of each document of title and present value of your equity in each property: _____

6. If you own any motor vehicles, then state: year, make, model, license number, motor number, serial number, state, estimated value: _____

7. Please list any and all personal property which you own, possess or control: (use attachments if necessary): _____

8. If you have ownership interest in any business, then state:

a. Full name of business: [Name]

b. Full address of principal of business or general office: [Name]

c. Address of each place where business is conducted: _____

d. Type of business conducted: _____

e. Form of business organization: _____

f. Date you acquired your interest: _____

g. Exact present value of your interest: _____

h. Percentage of total your interest represents: _____

i. Your office or position: _____

j. Full name and address of each officer and director or partner: _____

k. For any bank or other institution at which the business maintains any type of account, state the name and address of institution, type of account, name of account, and account number: _____

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LegalFormsForTexas.Com

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Respectfully Submitted,

PREVIEW ONLY

[Law Firm Name]

+++++

By _____

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[Attorney's Name]

+++++

Attorney for Plaintiff

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

THIS DOCUMENT

+++++ **CERTIFICATE OF SERVICE** +++++

I certify that a true and correct copy of the foregoing Plaintiff's Interrogatories in Aid of Judgment has been served on the Defendant and Judgment Debtor or 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: _____

____ U.S. Mail, Certified Return Receipt Request No. _____

____ Hand delivery by [name of delivery service]: _____

Call for more information

[Attorney's signature]

+++++

Or

+++++

Legal Help!!!