

DEFENDANT COPY



SHANNA GATES
JUSTICE OF THE PEACE PCT. #1
500 E. SAN ANTONIO ST. SUITE #9
PEARSALL, TEXAS 78061
PH. (830) 334-3668

CITATION NOTICE

_____ Small/Debt Claims _____ Eviction

X

Please **DO NOT** disregard Citation as this is a legal notice.

DO NOT contact the judge or any office personnel as this office may not give out any legal advice nor may the case be discuss with the judge prior to your hearing.

You will be given an opportunity to speak during your trial.

Court rescheduling will **not be** permitted on evictions unless both parties agree. All other cases must submit a request in writing **5 days prior** to hearing.

If you would like to request a jury trial you must come by the Justice Court and submit a request in writing and pay a **\$22.00** jury fee.

If the judge rules in favor of the Plaintiff on **Evictions** you may appeal within **5** days or move out by midnight on the 5th. Day after judgment. The landlord may file a Writ of Possession the next morning only if an appeal has not been filed. The appeal for all other Claims is **21** days or **7** days if filing Appeal by Affidavit of Inability to Post Bond.

"FAILURE TO APPEAR FOR TRIAL MAY RESULT IN DEFAULT JUDGEMENT AGAINST YOU."

SMALL CLAIMS/DEBT CLAIM CASE CITATION:



NO. SM21-02

LESLIE ANN BURKS

§

IN THE JUSTICE COURT

VS.

§

PRECINCT ONE

NELDA LUNA RAY'S PLUMBING

§

FRIO COUNTY, TEXAS

PEARSALL, TX 78061

THE STATE OF TEXAS TO NELDA LUNA RAY'S PLUMBING, DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part v of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

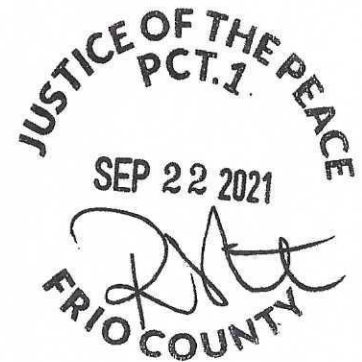
This citation is issued pursuant to a petition filed by the above-named plaintiff on September 27th, 2021. Plaintiff's attorney: 119 N. OAK ST., PEARSALL, TX 78061. Your answer may be filed with this court, located at 500 E SAN ANTONIO ST, PEARSALL, TX 78061 . (830)334-3668.

ISSUED this the 27th day of September, 2021.



A handwritten signature in black ink, appearing to be "J. R. Rater".

**JUSTICE OF THE PEACE OR CLERK OF THE COURT
PRECINCT ONE
FRIO COUNTY, TEXAS**



PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) _____

In the Justice Court, Precinct 1, Frio County, Texas

PLAINTIFF

Leslie Ann Burks

VS.

DEFENDANT(S):

Nelda Lina Ray's Plumbing

Defendants Address: 119 N Oak St. Pearsall, Texas
78061

Phone #: 830-334-4388

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

On April 7, 2021 Mrs. Lina agreed to repair roof and leaks @ my apartment and place of business 302 N Oak 4 & 5. Didn't follow through. It rained on numerous days, light were turned off due to leak straight on brakes. I have had my business closed lost wages damage to customers furniture box.

RELIEF: Plaintiff seeks damages in the amount of \$20,000, and/or return of personal property as described as follows (be specific): _____, Court Cost of \$131.00

Total of Suit \$ 20,000.00 (\$19,782.00)

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are: _____

☐ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____

Petitioner's or Attorneys Printed Name

302 N Oak St #5

Address of Plaintiff or Attorney, if any, or Plaintiff if none

Leslie Ann Burks

Signature of Plaintiff or Attorney

Pearsall

City

Texas

State

78061

Zip

Sworn to and

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

Leslie Ann Burks, Plaintiff

In the Justice Court

Pct. 1

Frio County, Texas

vs.

Nelda Luna ET AL, Defendant

Ray's Plumbing NON - MILITARY AFFIDAVIT

STATE OF TEXAS

COUNTY OF FRIO

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, being by me duly sworn, on oath stated:

"I am the Plaintiff / attorney for plaintiff in the above -entitled and numbered cause. I am capable to making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Nelda Luna Ray's Plumbing, Defendant, is not in the military.

Leslie Ann Burks, Plaintiff

Signed and sworn to this the 22 day of Sept, 2021

Notary Public
Exp. Comm. _____

Or

[Signature]
Court Clerk/Justice of the Peace, Pct. 1
Frio County, Texas

Justice Court Civil Case Information Sheet (9/1/13)

Cause Number (for Clerk use ONLY) _____ A

STYLED _____

V. _____

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

Civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleadings or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

Contact information for person completing this sheet Information sheet	
Name <u>Leslie Ann Burks</u> Address <u>202 N OAK ST #5</u> <u>Pearshall TX 78061</u> City _____ State _____ Zip _____ Email <u>830-746-4385</u> Telephone _____ Fax _____ State Bar No. _____ Signature <u>Leslie Ann Burks</u>	Plaintiff(s): <u>Leslie Ann Burks</u> Defendant(s): <u>Nelda Luna</u> <u>Ray's Plumbing</u> [Attach additional page as necessary to list ALL parties]

Indicate case type, or identify the most important issue in the case (select only 1).	
☐ Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	☐ Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
☐ Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	☒ Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

OFFICER'S RETURN

Came to hand in the 28th day of Sept., 2021 at 10:00 clock
__M.,

and executed in Frio county, Texas, by delivering to the within
named

defendants, to-wit: Nelda Luna, at 10:00 o'clock A.M.,
2021:

_____, at _____ o'clock ____M., _____, 20____;

_____, at _____ o'clock ____M., _____, 20____;

each in person, a true copy of this citation, having first endorsed on such
copy

of said citation the date of delivery. To certify which witness my hand
officially.

Mike Mike
Sheriff Constable*

Frio County, Texas

By Joe Ramirez Deputy

CERTIFICATE OF DELIVERY

I hereby certify that I delivered to the said

Nelda Luna

on the 30th day of Sept., 2021, at 10:00 o'clock A.M., this
copy of this instrument.

Mike Mike
Sheriff Constable*

Frio County, Texas

By Joe Ramirez Deputy

**LEGAL QUESTIONS WILL NOT BE ANSWERED BY THIS
OFFICE**

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO:

JUDGE SHANNA GATES
500 E SAN ANTONIO ST. #9
PEARSALL, TX 78061
(830) 334-3668