

# Citations 101

**Thomas Sanders, Ph.D.**  
Chief Deputy Constable  
Tarrant County Precinct 1

## Funded By a Grant From the Texas Court of Criminal Appeals

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# Resources

[www.txcourts.gov](http://www.txcourts.gov)

- Texas Rules of Civil Procedure (TRCP)

[www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

- All statutes other than the Rules of Civil Procedure

[www.tjctc.org](http://www.tjctc.org)

- Texas Civil Process Field Guide
- Deskbooks – including Practical Guide to Writs of Execution
- Legal Question Board
- Forms

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## What We Will Discuss

- What is a Citation?
- Requirements of the Citation
- Dates & Times for Service
- Who May Serve the Citation
- Methods of Service
- Who the Citation is Delivered To
- Service Duties and Requirements of the Officer
- Return Duties and Requirements of the Officer
- Safety

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## What Types of Cases?

- This class will cover the general rules for citations in civil cases.
- Evictions have certain specific rules and procedures that are different from other civil cases.
- You will learn more about eviction citations in the Evictions 101 course.

TRCP Rule 510.8

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## Rules of Civil Procedure

All rules except Rules 500 – 510

- Apply to cases in county and district court.

Rules 500 – 509 (non-eviction civil) & 510 (evictions)

- Apply specifically to cases in justice court.
- The other rules of civil procedure do not apply UNLESS:
  - *For non-eviction civil:* the judge determines that a particular rule should apply in order to ensure fairness to all parties or a law/rule specifically says another rule applies.
  - *For evictions:* a law/rule specifically says another rule applies.

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# What is a Citation?

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## What is a Citation?

It is the official process by which a defendant is notified he or she is being sued.

- Issued after the plaintiff (person suing) files a petition and pays a fee.
- Accompanied by a copy of the petition when it's served.

The citation provides notice to the defendant(s) of the opportunity to:

- Answer,
- Appear, and
- Defend the suit.

TRCP Rules 99 & 501

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# Who issues the Citation?

Citations can be issued by the clerk(s) of the:

1. District court
2. County court
3. Justice court
4. All of the above

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## What if There are Multiple Defendants?

A citation must be issued for EACH defendant.

- The officer must serve a citation and petition on each defendant.
- A service fee will be charged for every citation that has to be served.

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# Requirements of the Citation

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## 1. Main Requirements of the Citation

- Styled “The State of Texas.”
- Identifies the person to whom the citation is directed = Defendant.
- Includes the name and county of the court where the case is filed.
- Includes the cause number.
- Identifies all parties in the case.
- Includes the date of issuance of the citation.
- Includes the date the petition was filed.
- Includes the name and address of the plaintiff’s attorney, or the address of the plaintiff.

TRCP Rules 99 & 501.1(b)

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## 2. Main Requirements of the Citation

- Includes how long the defendant has to file an answer.
- Includes the address of the clerk.
- Informs the defendant that a default judgment may be entered if the defendant fails to answer.
- Includes the required statutory notice telling the defendant he/she has been sued and stating the deadline to file an answer.
- Identifies which court the citation is returnable to.
- Is signed by the clerk of the court or the judge.
- Contains the court's seal.

TRCP Rules 99 & 501.1(b)

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## Defendant's Time to Answer

District or County Court:

On or before Monday at 10:00 AM,  
after the expiration of 20 days from  
the date of service.

### Justice Court:

By the end of the 14th day after the date of  
service.

If that day is a Saturday, Sunday, or legal  
holiday, then by the end of the next business  
day.

TRCP Rule 501.1 (c)

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## Statutory Notice Wording

### **District or County Court:**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TRCP Rules 99(c)

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## Statutory Notice Wording

### **Justice Court:**

"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."

TRCP Rules 99(c) & 501.1(c)

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**Sample Form**  
Available on TJCTC Forms Page

CAUSE NO. \_\_\_\_\_

PLAINTIFF \_\_\_\_\_ § IN THE JUSTICE COURT  
v. \_\_\_\_\_ §  
DEFENDANT \_\_\_\_\_ § PRECINCT \_\_\_\_  
§  
§ \_\_\_\_\_ COUNTY, TEXAS

**CITATION (SMALL CLAIMS OR DEBT CLAIM CASE)**

THE STATE OF TEXAS  
TO: \_\_\_\_\_, DEFENDANT in the above case:

This citation is issued pursuant to a petition filed by Plaintiff on \_\_\_\_\_,  
20\_\_\_\_. Plaintiff's attorney's name and address, or Plaintiff's address, if they have no attorney,  
are: \_\_\_\_\_.

Your answer must be filed with this court, located at \_\_\_\_\_,  
\_\_\_\_\_, TX \_\_\_\_\_.

**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 14<sup>TH</sup> DAY AFTER THE DAY YOU WERE SERVED WITH THESE PAPERS. IF THE 14<sup>TH</sup> DAY IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, YOUR ANSWER IS DUE BY THE END OF THE FIRST DAY FOLLOWING THE 14<sup>TH</sup> 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**

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## Practice: Identifying the Parts of a Citation

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JUSTICE CIVIL CITATION

THE STATE OF TEXAS

TO: RICHARD HALSTEAD  
1529 BARTON SPRINGS RD UNIT 1  
AUSTIN TX 78704

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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.

YOUR WRITTEN RESPONSE to this lawsuit shall be filed in Justice of the Peace, Precinct Five, at 1000 Guadalupe Street Room 117, Austin, Texas 78701.

THE LAW PROHIBITS THE JUDGE & THE CLERKS FROM GIVING LEGAL ADVICE. SO PLEASE DO NOT SEEK SUCH ADVICE FROM THIS OFFICE. ANY QUESTIONS YOU HAVE SHOULD BE DIRECTED TO AN ATTORNEY.

Your cause number is JS-CV-13-231919, case styled  
JOSEPH ESLER; MIKA ESLER, Plaintiffs vs.  
RICHARD HALSTEAD; MICHELLE HALSTEAD, Defendant/s  
was filed in the Justice Court, Precinct Five, on September 06, 2013.

Issued and given under my hand on September 06, 2013.

  
 Judge Herb Evans  
 Justice of the Peace, Precinct Five  
 1000 Guadalupe Street, #117 Austin, Texas 78701

Plaintiff / Plaintiff Attorney / Plaintiff Agent (if applicable):  
JOSEPH ESLER; MIKA ESLER  
10538 SPRINGPARK AVE  
BATON ROUGE LA 70810

5le3 1063 10443


<<<<SEE PETITION FOR TELEPHONE NUMBER>>>>

-----OFFICER'S RETURN-----

Came to the hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
Executed at \_\_\_\_\_ within County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the within named \_\_\_\_\_

a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially: \_\_\_\_\_  
 SERVICIAL FEE \_\_\_\_\_ Constable Pct. 5, Travis County, Texas  
 By Deputy \_\_\_\_\_

  
**PAID**  
 CR. NO. \_\_\_\_\_  
 DATE \_\_\_\_\_

## Small Claims Citation

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JUSTICE CIVIL CITATION

THE STATE OF TEXAS

TO: RICHARD HALSTEAD  
1529 BARTON SPRINGS RD UNIT 1  
AUSTIN TX 78704

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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.

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THE LAW PROHIBITS THE JUDGE & THE CLERKS FROM GIVING LEGAL ADVICE. SO PLEASE DO NOT SEEK SUCH ADVICE FROM THIS OFFICE. ANY QUESTIONS YOU HAVE SHOULD BE DIRECTED TO AN ATTORNEY.

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JOSEPH ESLER; MIKA ESLER, Plaintiffs vs.  
RICHARD HALSTEAD; MICHELLE HALSTEAD, Defendant/s  
was filed in the Justice Court, Precinct Five, on September 06, 2013.

Issued and given under my hand on September 06, 2013.

  
 Judge Herb Evans  
 Justice of the Peace, Precinct Five  
 1000 Guadalupe Street, #117 Austin, Texas 78701

Plaintiff / Plaintiff Attorney / Plaintiff Agent (if applicable):  
JOSEPH ESLER; MIKA ESLER  
10538 SPRINGPARK AVE  
BATON ROUGE LA 70810

5le3 1063 10443


<<<<SEE PETITION FOR TELEPHONE NUMBER>>>>

-----OFFICER'S RETURN-----

Came to the hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
Executed at \_\_\_\_\_ within County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the within named \_\_\_\_\_

a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially: \_\_\_\_\_  
 SERVICIAL FEE \_\_\_\_\_ Constable Pct. 5, Travis County, Texas  
 By Deputy \_\_\_\_\_

  
**PAID**  
 CR. NO. \_\_\_\_\_  
 DATE \_\_\_\_\_

## Small Claims Citation

Styled "The State of Texas"

Directed to the Defendant

Time defendant has to file a written answer

Court issued cause number

Parties in the case

Name & address of plaintiff's attorney or plaintiff's address

Notice of potential default judgment & statutory notice

Date of filing & issuance

Signed by the judge or clerk under seal of court

Name & location of court

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## Small Claims Petition

CAUSE NUMBER JS-CV-13-231919 RECEIVED JP R/V/ TRAVIS COUNTY  
 PLAINTIFF'S ORIGINAL PETITION  
 IN THE ( ) JUSTICE COURT OR (X) SMALL CLAIMS COURT  
 PRECINCT FIVE, TRAVIS COUNTY, TEXAS SEP-6 AM 11:18

**PLAINTIFF (S)** Joseph Ester, Mika Ester  
 (IF AN INDIVIDUAL, ANSWER THE FOLLOWING):  
 HOME ADDRESS 10538 Springpark Ave. Baton Rouge, Louisiana ZIP 70810 PH# 563-663-6443  
 BUSINESS OR EMPLOYER \_\_\_\_\_  
 WORK ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_  
 (IF A BUSINESS ENTITY, ANSWER THE FOLLOWING):  
 NAME OF ☐ AGENT OR ☐ ATTORNEY \_\_\_\_\_  
 BUSINESS ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_

HEREINAFTER CALLED PLAINTIFF, on oath deposes and says that:

**DEFENDANT (S)** Richard Hainnes, Michelle Hainnes  
 (IF AN INDIVIDUAL, ANSWER THE FOLLOWING):  
 HOME ADDRESS 1528 Barton Springs Road Unit 1 ZIP 78704 PH# 512-590-1531  
 BUSINESS OR EMPLOYER \_\_\_\_\_  
 WORK ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_  
 (IF A BUSINESS ENTITY, ANSWER THE FOLLOWING):  
 NAME OF ☐ OWNER OR ☐ AGENT TO BE SERVED \_\_\_\_\_  
 ADDRESS FOR SERVICE \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_

HEREINAFTER CALLED DEFENDANT, is/are justly indebted to the Plaintiff in the sum of \$ 2,333.20  
 for (briefly describe the nature of the claim):  
 Plaintiff leased a condo unit located at 300 Buena Vista #1301 Austin, TX 78703 from the Defendant on 3/15/2012. A property condition report was supplied by the Plaintiff to the Defendant upon move in which included notations of the worn condition of the carpet. Plaintiff lived in the property until employment required the Plaintiff's relocation to Louisiana. On 7/30/2013 Plaintiff vacated the premises and notified Defendant that the property was vacant. Plaintiff paid Defendant August rent in full as the lease was set to expire 8/31/2013. On 7/30/2013 Defendant acknowledged Plaintiff's communication. No further communication occurred until 8/6/2013. On 8/6/2013 Defendant complained to Plaintiff about the condition of carpet. Defendant withheld \$1333.20 of Plaintiff's \$2600 dollar deposit. Plaintiff contends that Defendant is attempting to have Plaintiff pay for normal "Wear and Tear" to floor coverings. The Plaintiff is requesting the Defendant refund \$1333.20 withheld from the Plaintiff's deposit of \$2600 as well as the expensed \$1000 in travel fees for the required travel from Baton Rouge, LA to Austin, TX to attend court proceedings. Such claim is, within the knowledge of the Plaintiff, just and true and all just and lawful offsets, payments and credits have been allowed. Plaintiff further requests that the court award reasonable Attorney's fees to the Plaintiff if allowable by law in the amount of \$ \_\_\_\_\_. Plaintiff reserves the right to plead further at the time of trial.

*Joseph R. Ester*  
 Plaintiff's Signature \_\_\_\_\_ Authorized Attorney/Agent Signature \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 To certify which witness my hand and seal of office.

*Tony Martinez*  
 Notary Public in and for the State of Texas  
 My Commission Expires September 29, 2015  
 Civil Court Clerk, JP 5

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## Small Claims Petition

CAUSE NUMBER JS-CV-13-231919 RECEIVED JP R/V/ TRAVIS COUNTY  
 PLAINTIFF'S ORIGINAL PETITION  
 IN THE ( ) JUSTICE COURT OR (X) SMALL CLAIMS COURT  
 PRECINCT FIVE, TRAVIS COUNTY, TEXAS SEP-6 AM 11:18

**PLAINTIFF (S)** Joseph Ester, Mika Ester  
 (IF AN INDIVIDUAL, ANSWER THE FOLLOWING):  
 HOME ADDRESS 10538 Springpark Ave. Baton Rouge, Louisiana ZIP 70810 PH# 563-663-6443  
 BUSINESS OR EMPLOYER \_\_\_\_\_  
 WORK ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_  
 (IF A BUSINESS ENTITY, ANSWER THE FOLLOWING):  
 NAME OF ☐ AGENT OR ☐ ATTORNEY \_\_\_\_\_  
 BUSINESS ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_

HEREINAFTER CALLED PLAINTIFF, on oath deposes and says that:

**DEFENDANT (S)** Richard Hainnes, Michelle Hainnes  
 (IF AN INDIVIDUAL, ANSWER THE FOLLOWING):  
 HOME ADDRESS 1528 Barton Springs Road Unit 1 ZIP 78704 PH# 512-590-1531  
 BUSINESS OR EMPLOYER \_\_\_\_\_  
 WORK ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_  
 (IF A BUSINESS ENTITY, ANSWER THE FOLLOWING):  
 NAME OF ☐ OWNER OR ☐ AGENT TO BE SERVED \_\_\_\_\_  
 ADDRESS FOR SERVICE \_\_\_\_\_ ZIP \_\_\_\_\_ PH# \_\_\_\_\_

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*Joseph R. Ester*  
 Plaintiff's Signature \_\_\_\_\_ Authorized Attorney/Agent Signature \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 To certify which witness my hand and seal of office.

*Tony Martinez*  
 Notary Public in and for the State of Texas  
 My Commission Expires September 29, 2015  
 Civil Court Clerk, JP 5

TRCP 47, 48, 78, 79, 117 a

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## 1. Sample Citations – District Court

**ORIGINAL**

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA  
 NC Name: EDGAR ANTHONY ERCOLANO  
 CP Name: ERLY SIMONE WALKER  
 CMC Number: 00129947

CITATION

THE STATE OF TEXAS  
 TO: ERLY SIMONE WALKER  
 7500 Maplewood Ave #135

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk within the time specified in this citation, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties to this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [texaslawhelp.org](http://texaslawhelp.org).

The accompanying pleading was filed on the 15<sup>th</sup> day of November, 2021, in the indicated court on the Monday next following the expiration of twenty days after you were served this citation. You are directed to file a written answer to the accompanying pleading on or before 10:00 a.m. on Monday.

File Number: 00129947  
 Court: 27TH JUDICIAL DISTRICT COURT  
 Case Number: 20-05-A  
 Other parties to the action:  
 THE STATE OF TEXAS  
 LOUIS ANTHONY ERCOLANO

ISSUED under my hand and seal of court this 15<sup>th</sup> day of December, 2021.

MELINDA PAGE  
 Clerk  
 Child Support Office  
 901 SAIL LANE, SUITE 200  
 FORT WORTH, TEXAS 76102  
 Phone: 817-493-2277  
 Fax: 817-493-2281  
 Attorney for Petitioner

RETURN OF SERVICE  
 IN THE INTEREST OF  
 ANAER ROSA ERCOLANO  
 AND RASHAD ERCOLANO  
 CHILDREN

This process was returned on the 15<sup>th</sup> day of December, 2021, at \_\_\_\_\_.

I served a true copy of this process enclosed with the date of delivery, together with the Petition to Establish the Parent-Child Relationship, Suit for Modification and Motion to Confine Support Arrangements on ERLY SIMONE WALKER, person at:  
 7500 MAPLEWOOD AVE APT 135 NORTH RICHLAND HILLS, TX 76180-6055-31  
 (place of employment US MILITARY ARMY-ADCT#9021 TANK DESTROYER BLVD  
 FORT HOOD, TX 76544-4905-21, at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_.

Not executed because \_\_\_\_\_

FILED: Serving one (1) copy \_\_\_\_\_ Sheriff Constable \_\_\_\_\_ County, Texas  
 Total \$ \_\_\_\_\_  
 This document was prepared by me \_\_\_\_\_ Bell County District Clerk

THE STATE OF TEXAS  
 DIRECTED TO:  
 Jennifer M. Peterson  
 As Trustee Of The, Georgia & Stanley Bypass Trust  
 2200 Fronted Willow  
 Fort Worth, TX, 76177

CITATION

ACQUINCE 4122574014  
 SUIT #342-05094-21  
 COUNTY: TARRANT COUNTY TEXAS

2021 DEC 15 AM 9:13

GREETING:

YOU ARE HEREBY COMMANDED to appear and answer, by filing a written answer, before the Honorable Thomas Wilder, 34th Judicial District, Tarrant County, Texas, at the Courtroom of said county in Fort Worth, Texas, at or before 10:00 a.m. on the Monday next after the expiration of 20 days from the date of service of this Citation, then and there to answer the First Amended Petition of NORTHWEST INDEPENDENT SCHOOL DISTRICT, Plaintiff, filed in the said District Court on the 14th day of December, 2021 against Jennifer M. Peterson As Trustee Of The, Georgia & Stanley Bypass Trust said suit being number 342-05094-21 on the docket of said Court, the nature of which demand is a suit to collect delinquent ad valorem taxes on the property hereinafter described.

The amount of taxes due Plaintiff, NORTHWEST INDEPENDENT SCHOOL DISTRICT, exclusive of interest, penalties, and costs, is the sum of \$2,211,897, said property being described as:

Lot 35, Block 25, out of the Tehama Ridge Addition, Phase II, situated in the City of Fort Worth, Tarrant County, Texas and located within the Northwest Independent School District, and being further described in Document #0220140727, of the Tarrant County Deed Records.

\* THE DOLLAR AMOUNT SHOWN ON THIS CITATION IS NOT THE TOTAL AMOUNT DUE. FOR A PAYOFF FIGURE OF THE TOTAL AMOUNT DUE, CALL THE DENTON COUNTY TAX OFFICE AT (817) 348-3000 and TARRANT COUNTY TAX OFFICE AT (817) 213-4868.

NOTICE: "If you have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [texaslawhelp.org](http://texaslawhelp.org).

The names of all taxing units in addition to above named plaintiff, which assess and collect taxes on said property, not made parties to the suit are:

TARRANT COUNTY

Plaintiff and all other taxing units who may set up their tax claims herein seek recovery of delinquent ad valorem taxes on the property hereinafter described, and in addition to the taxes, all interest, penalties and costs allowed by law thereon, and the establishment and foreclosure of liens securing the payment of same, as provided by law.

All parties to this suit, including Plaintiff, Defendants, and Interveners, shall take notice that claims not only for any taxes which were delinquent on said property at the time this suit was filed but all taxes becoming delinquent thereon, including all interest, penalties, and costs allowed by law thereon, may upon request therefor, be recovered herein without further citation or notice to any parties herein, and all said parties shall take notice of and plead and answer to all claims and pleadings now on file and which may hereafter be filed in this cause by all other parties herein, and by all other parties herein, and by all of those taxing units above referred to, who may intervene herein and set up their respective tax claims against said property.

If this citation is not served within 90 days after the date of its issuance, it shall be returned unserved.

The Officer/Authorized Person executing this return shall properly serve the same according to the requirements of law and the mandates hereof and make the return on the law books.

Issued and given under my hand and seal of said Court at FORT WORTH, Texas, on the 14<sup>th</sup> day of December, 2021.

THOMAS A. WILDER  
 CLERK OF THE DISTRICT COURTS  
 OF TARRANT COUNTY, TEXAS  
 401 WEST BELKNAP STREET, FLOOR 2  
 FORT WORTH, TX 76102  
 (817) 477-6001 - FAX

By: \_\_\_\_\_  
 Attorney for Plaintiff

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## 2. Sample Citations – District Court

3372295  
 001-001

THE STATE OF TEXAS

TO: RAFAEL PEREZ (CID# 0541741)  
 4644 STANDARD WAY, APT 527  
 FORT WORTH, TEXAS 76179  
 Green Bay 4LT

You are hereby commanded to appear by filing a written answer to the Petitioner's Notice of Seizure and Intended Forfeiture before the 297<sup>th</sup> DISTRICT COURT, a District Court in and for Tarrant County, Texas, at the Tim Curry Criminal Justice Center, 401 West Belknap Street, Fort Worth, Tarrant County, Texas, said Petitioner being the State of Texas, filed in said Court on the 14<sup>th</sup> day of DECEMBER, 2021.

For suit, said suit being numbered S-15012 the nature of which demand is as shown on said Notice of Seizure and Intended Forfeiture, a certified copy of which accompanies this Citation.

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this Citation and Notice of Seizure and Intended Forfeiture, a default judgment may be taken against you.

WITNESS: THOMAS A. WILDER  
 CLERK OF THE DISTRICT COURT OF TARRANT COUNTY, TEXAS.  
 GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, IN THE CITY OF FORT WORTH, THIS 14<sup>th</sup> DAY OF DECEMBER, 2021.

By: \_\_\_\_\_ (S E A L)  
 Deputy District Clerk

DA #57477AF

A/I  
 C I T A T I O N

NO. S-15012

THE STATE OF TEXAS  
 VS.  
 \$5,000.00 IN U.S. CURRENCY AND FIREARMS

Issued DECEMBER 14 2021

THOMAS A. WILDER  
 CLERK, DISTRICT COURT  
 TARRANT COUNTY, TEXAS  
 Tim Curry Criminal Justice Center  
 401 West Belknap Street  
 Fort Worth, Texas 76196-0402

By: \_\_\_\_\_  
 Deputy District Clerk

Attorney for the Petitioner  
 THE STATE OF TEXAS  
 DEBRA LOCKHART  
 431 W. Belknap Street  
 Fort Worth, Texas 76196  
 (817) 884-1400

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## **Dates & Times for Service**

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Can a Citation be Served on  
Sunday?

1. Yes
2. No

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## Dates & Times for Service

Citations may be served Monday through Saturday, any time of the day.

- Citations may not be served on Sundays.
- Writs related to attachment, garnishment, sequestration, or distress proceedings CAN be served on Sunday.

If service is by publication, a citation published on Sunday is valid.

TRCP Rules 6, 105, & 501.2(d)

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## Expiration for Service

Citations, unless for ad valorem taxes, don't expire for the purpose of serving, BUT service should be done as soon as possible and without delay.

- Ad valorem tax citations expire 90 days from the date of issuance and must be returned if not served by the 90 days.

TRCP Rule 117a

28

# Who May Serve the Citation?

29

## Who Serves the Citation?

Citations may be served by:

- Any sheriff, constable, or their deputies
- A private process server certified by the Judicial Branch Certification Commission,
- The clerk of the court IF served by publication, registered mail, or certified mail, or
- Any person authorized by law or by court order who is at least 18 years old.

TRCP Rules 103, 501.2(a)

30

# Who has the Duty?

- The **Plaintiff** is responsible for obtaining service of the citation and petition on the defendant.
- The plaintiff decides who is going to serve the citation.
- If there is an issue finding a defendant, it is the plaintiff's responsibility to find other addresses to serve.

**Ashley v. Hawkins**, 293 SW3d 175; **Allen v. Rushing**, 129 SW3d 226; **Boyattia v. Hinojosa**, 18 SW3d 729.

TRCP Rules 103, 106 & 501.1

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The plaintiff must pay all fees for service unless they have filed a Statement of Inability to Afford Payment of Court Costs.

- Also referred to as an Affidavit of Inability to Pay Costs or Affidavit of Indigency.

If that statement is filed in a JP court, a process server CANNOT serve the citation, only a sheriff, constable, their deputies, or a clerk can.

TRCP Rules 103, 105, 106, & 501.2(c)

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## Practice Tip

Go to apartment complexes and introduce yourself to the staff.

- Explain what your job is, why they might see you there, and how they can help.
- This is especially helpful regarding evictions.

This is useful to build rapport, so apartment staff:

- Won't interfere (then or in the future) when you're serving process.
- Will provide locating or forwarding information for a person if they have it.

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## Methods of Service

34

# Methods of Service

A citation must be served by:

- Personal service on the defendant named in the citation,
- Give defendant a copy of the citation AND the petition with the date of delivery written on it.

OR

Mailing a copy of the citation AND petition to the defendant named in the citation.

- Must be by registered or certified mail with return receipt requested.
- Rule 501.2 allows an electronic return receipt.

TRCP Rules 106 & 501.2

35

# Case Law

“Generally, service of process needs to occur by handing the paperwork directly to the person being served. However, if the person refuses to accept service, they are held under Texas law to be personally served if 1) the person being served is identified; 2) they are informed of the nature of the process and that service is being attempted, and 3) the papers are deposited in an appropriate place in their presence or near them where they are likely to find them. *Dosamentes v. Dosamentes*, 500 S.W.2d. 233; *Texas Industries, Inc. v. Sanchez*, 521 S.W.2d. 133.”

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## Additional Methods of Service

Available options AFTER the previous options are unsuccessful:

- Alternative/Substituted Service
- Service by Publication

Must be requested from and approved by the court AFTER attempts to serve by personal service or mail are unsuccessful.

- Plaintiff or anyone authorized to serve process can request alternative service.

TRCP Rules 106(b) & 501.2(e)

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## Alternative or Substituted Service

The person requesting alternative service must submit a sworn affidavit explaining:

- The attempts made to serve by personal service or mail,
- How the attempts were not successful, and
- Provide the location of defendant's:
  - Usual place of business,
  - Usual place of residence, or
  - Other place where the defendant can probably be found.

TRCP Rules 106(b) & 501.2(e)

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## Sample Request for Alternative Service (*Small Claims and Debt Claims Case*)

On the TJCTC website

- [www.tjctc.org](http://www.tjctc.org)
- Under > Legal Resources  
>Forms

Alternative/  
Substituted  
Service

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## How Alternative Service Works (County/District Courts)

If Alternative service is authorized by Rule 106, service is by:

- Leaving a copy of the citation and petition with any person over the age of 16 at the location(s) specified in the affidavit;

OR

- By serving a copy in any manner the court determines will be reasonably effective in giving defendant notice of the suit.

TRCP Rule 106(b)

40

# How Alternative Service Works (Justice Courts)

If Alternative service is authorized by Rule 501.2, service is by:

- Mailing a copy of the citation and petition by first class mail to defendant's address, AND leaving a copy of the citation and petition with any person over the age of 16 at the location(s) specified in the affidavit;  
OR
- Mailing a copy of the citation and petition by first class mail to defendant's address, AND by serving a copy in any manner the court determines will be reasonably effective in giving defendant notice of the suit.

TRCP Rule 501.2(e)

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## 1. Sample Affidavits

<p>STATE OF TEXAS COUNTY OF TARRANT</p> <p>CAUSE NO. 324-703729-21</p> <p><b>REQUEST FOR AUTHORIZATION OF SERVICE UNDER RULE 106</b></p> <p>Before me, the undersigned authority, this day personally appeared <b>I. Romero</b> to me well known, and who, after being duly sworn by me did depose and say:</p> <p>I am a Deputy Constable employed by H.D. Clark III, Constable of Precinct One, Tarrant County, Texas; that I have personal knowledge of every statement herein made, and I am fully competent to testify as to the matters stated herein. I was assigned a Citation in Case No. <b>D324-703729-21</b> issued by the 324th District Court of Tarrant County, Texas styled <b>IN RE: TRE'MERE JERVON WILSON, ET AL VS JIMMY JEROME WILSON</b> and was instructed to attempt service on <b>JIMMY JEROME WILSON</b> at <b>6755 WOODBRIDGE DR., #1400, FORT WORTH, 76112</b>, Tarrant County, Texas and made the following listed efforts to serve said Citation to no avail:</p> <p>1. Good address, no contact, left card on door 8-25-21 at 4:20pm. 2. No contact, left card 9-13-21 at 3:37pm. 3. No contact 9-22-21 at 3:54pm. 4. No contact, spoke with neighbor who advised defendant works during the day, left card on door 9-28-21 at 3:17pm. 5. No contact, will return for alternate service approval 10-05-21 @ 1:07pm.</p> <p>By virtue of the aforementioned reasons the undersigned officer has reason to believe that the above-named defendant is avoiding delivery of process. It is impractical to secure personal service on the said defendant. I respectfully request the Judge of the Honorable court to authorize service of this Citation on said defendant by one of the following methods:</p> <p><input checked="" type="checkbox"/> (1) By leaving a copy of the citation and of the petition with anyone older than sixteen at the location specified in the statement; or</p> <p><input type="checkbox"/> (2) in any other manner, including electronically by social media, email, or other technology, that the statement or other evidence shows will be reasonably effective to give the defendant notice of the suit.</p> <p><i>[Signature]</i> I. Romero Deputy Constable, Precinct 1 Tarrant County, Texas Date Signed: <b>11/18/2021</b></p> <p>Subscribed and sworn to before me on the _____ day of _____, 20____.</p> <p>(NOTARY STAMP)</p>	<p>Notary Public in and for Tarrant County, Texas</p> <p><b>ORDER OF THE COURT</b></p> <p>Alternate service under Rule 106 is granted on the _____ day of _____, 20____.</p> <p>Presiding Judge: _____</p>
--	--

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## 2. Sample Affidavits

<p>CAUSE NO. <u>JP01-22-DC00019146</u></p> <p>PLAINTIFF VS DEFENDANT</p> <p>IN THE JUSTICE COURT PRECINCT ONE TARRANT COUNTY, TEXAS</p> <p><u>REQUEST FOR ALTERNATE SERVICE RULE 501.2(a)(1)(C)</u></p> <p>Before me, the undersigned authority this day personally appeared, <u>R. Wooten</u>, to me well known, and who, after being duly sworn by me, did depose and say:</p> <p>I am a Deputy Constable employed by H.D. Clark III, Constable of Precinct One, Tarrant County, Texas, that I have personal knowledge of every statement herein made, and I am fully competent to testify as to the matters stated herein. I was assigned a Citation in Case No. <u>JP01-22-DC00019146</u> issued by the Justice of the Peace, Precinct One Court of Tarrant, styled <u>MIDLAND CREDIT MANAGEMENT, INC VS RUAL CHADEZ</u> and was instructed to attempt service on <u>DEFENDANT</u> at <u>100 W. WEATHERFORD ST. #460, FORT WORTH, 76119</u>, Tarrant County, Texas and made the following listed efforts to serve said citation to no avail.</p> <p>On December 15, 2021 at 11:34 A.M. a attempt was made with no contact. On December 28, 2021 at 9:08 A.M. a attempt was made with no contact. On January 3, 2022 at 9:25 A.M. an attempt was made with no contact. On January 4, 2022 at 8:20 A.M. an attempt was made with no contact. On January 10, 2022 at 2:40 P.M. an attempt was made with no contact. On all of the above contacts a business card was left on the front door requesting that Raul Chadez contact Deputy Wooten, but no contact has been made. On the December 28, 2021 attempt Deputies were advise by Raul Chadez's wife that Raul Chadez was out of town but would return on December 30, 2021.</p> <p>By virtue of the aforementioned reasons, the undersigned officer has reason to believe that the above-named defendant is avoiding delivery of process. It is impractical to secure personal service on the said defendant. I respectfully request the Judge of the Honorable court to authorize service of this citation on said defendant by one of the following methods:</p> <p>(1) By mailing a copy of the citation with a copy of the petition attached by first class mail to the defendant, <u>DEFENDANT</u>, at a specified address, <u>100 W. WEATHERFORD ST #460A, FORT WORTH, TX, 76117</u> and also leaving a copy of the citation with petition securely attached at the defendant's residence or other place where the defendant can probably be found with any person there who is at least 16 years of age; or</p> <p>✓ (2) By mailing a copy of the citation with a copy of the petition attached by first class mail to the defendant, <u>DEFENDANT</u>, at a specified address, <u>100 W. WEATHERFORD ST #460A, FORT WORTH, TX, 76117</u> and also service by any other method that the court finds is</p>	<p>reasonably likely to provide the defendant with notice of the suit, to wit: <u>and also leaving a copy with the petition attached, securely attached to the outside of the defendant's front door residence.</u></p> <p><u>R. Wooten</u> Deputy Constable, Precinct 1 Tarrant County, Texas Date Signed: <u>4/22/2021</u></p> <p>Subscribed and sworn to before me on the _____ day of _____, 20____.</p> <p>(Notary stamp)</p> <p>Notary Public in and for Tarrant County, Texas</p> <p><b>ORDER OF THE COURT</b></p> <p>It is, accordingly authorized and ordered that service upon Defendant, be effected by delivering a copy of the citation with a copy of petition attached, in the approved method _____ described above.</p> <p>Entered and signed this _____ day of _____, 20____.</p> <p>_____ Presiding Judge</p>
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## 3. Sample Affidavits

<p>STATE OF TEXAS COUNTY OF TARRANT</p> <p>Before me, the undersigned authority, this day personally appeared <u>I. Romero</u>, to me well known, and who after being duly sworn by me, did depose and say:</p> <p>I am a Deputy Constable, employed by H.D. Clark III, Constable of Precinct No. 1, Tarrant County, Texas.</p> <p>On the <u>10th</u> day of <u>May</u> 2021, I was assigned an Eviction Citation, cause number <u>JP01-21-E0001234</u> issued out of Justice of the Peace One court of Tarrant County, Texas, and styled as <u>PLAINTIFF VS. DEFENDANT AND ALL OCCUPANTS</u> and was instructed to attempt service on <u>DEFENDANT</u> at <u>100 W. WEATHERFORD STREET, FORT WORTH, 76196</u> in Tarrant County, Texas.</p> <p>The citation has been in my possession for 5 days or less and despite diligent efforts at all addresses listed I have been unable to personally deliver the citation.</p> <p>I have made the following efforts to personally serve the defendant: Attempted contact at the address on 09/08/20 @ 07:03am and on 09/09/20 @ 10:30am. No contact was made with anyone over the age of 16 on either attempt.</p> <p>The attempts include at least two attempts at each of the addresses listed on the sworn complaint by the plaintiff. I therefore request authorization to serve citation by (a) placing the citation inside the premises by placing it through a door mail chute or by slipping it under the front door or by securely affixing citation to the front door or main entry to the premises; (b) by depositing in the mail a true copy of such citation addressed to defendant at the premises in question.</p> <p><u>I. Romero</u> Deputy Constable, Precinct 1 Tarrant County, Texas Date Signed: <u>4/22/2021</u></p> <p>Subscribed and sworn to before me on the _____ day of _____, 20____.</p> <p>(NOTARY STAMP)</p> <p>Notary Public in and for Tarrant County, Texas</p> <p><b>ORDER OF THE COURT</b></p> <p>Herein above motion came on for hearing this day and after due consideration this motion is herewith granted and entered this, the _____ day of _____, A.D. 20____.</p> <p>_____ Justice of the Peace Judge Ralph Swearingin Jr. Precinct No. 1 Tarrant County, Texas</p>	<p><u>REQUEST FOR AUTHORIZATION OF SERVICE UNDER RULE 510.4 (c)</u></p>
---	---

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## Service by Social Media and Other Changes

- **The Texas Supreme Court issued an order in compliance with laws** making changes to Rules 106 & 108a effective December 31, 2020.
- Most of these changes were made to make the language of the rules more clear and less confusing.
- A major change was that Rule 106 now explicitly allows substitute service “electronically by social media, email, or other technology”
- Full text of the order can be found at:
  - <https://www.txcourts.gov/media/1449613/209103.pdf>

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## Service by Social Media

- Any substitute service by social media or other electronic means will need to be executed according to the court’s order (i.e. email, messenger apps).
- The court may ask for your input on what should be included in their order.
- Does your agency have a policy or procedure for this?

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## Service by Social Media – Actual Examples

NO. 322-69393-21

IN THE INTEREST OF §  
MORGAN A.J. McCLURE §  
A CHILD §

IN THE DISTRICT COURT OF  
JUDICIAL DISTRICT  
TARRANT COUNTY, TEXAS

**ORDER ON MOTION FOR OTHER SUBSTITUTED SERVICE**

On December 28, 2024, the Court considered the Motion for Other Substituted Service via Facebook Messenger filed by DIANA LYNN HARDY. The Court finds that service of citation by publication on DEANNA LYNN WILL is authorized and that the following method of service would be as likely as publication to give DEANNA LYNN WILL actual notice.

IT IS ORDERED that service on DEANNA LYNN WILL be effected by delivery of the citation, petition and any other necessary documents by Facebook Messenger to the Facebook account for DEANNA LYNN WILL at <https://www.facebook.com/DeannaLynnW>. The officer executing the citation shall state on the return the manner in which service is accomplished and shall attach any evidence showing the result of the service.

SIGNED on December 28, 2024

JUDGE PRESIDING

PREPARED BY:

By: Diana Lynn Hardy  
Diana Lynn Hardy, Pro Se  
Tel: (931) 442-9843  
E-mail: [holsh1999@gmail.com](mailto:holsh1999@gmail.com)  
Address: 13544 Dove Ranch Road,  
Roanoke, Texas 76262

FILED  
TARRANT COUNTY  
2024 JAN -3 AM 10:00  
THOMAS A WILDER  
DISTRICT CLERK

322-757283-24

NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA

CAUSE NO. 322-757283-24

IN THE INTEREST OF §  
HANNA LYNN LUMMUS §  
A CHILD §

IN THE DISTRICT COURT OF  
TARRANT COUNTY, TEXAS  
322ND JUDICIAL DISTRICT

**ORDER FOR SUBSTITUTED SERVICE BY SOCIAL MEDIA OR OTHER  
TECHNOLOGY**

On this date, a Motion for Substituted Service by Social Media or Other Technology was presented to this Court.

After reviewing the pleadings and hearing argument of counsel, the Court finds that this is a suit filed under Chapter 161 or 262 of the Texas Family Code and that citation as specified in this order is likely to give SHERMAN LUMMUS actual notice.

IT IS THEREFORE ORDERED that the clerk shall issue, and the Sheriff or Constable shall post and return, citation on SHERMAN LUMMUS by electronic communication sent to SHERMAN LUMMUS through a social media presence in this case as authorized under §17.033, Texas Civil Practice and Remedies Code. Citation shall be served by VIA EMAIL- [shermanjr@gmail.com](mailto:shermanjr@gmail.com).

SIGNED this 19th day of October, 2024.

JUDGE PRESIDING

FILED  
TARRANT COUNTY  
10/22/2024 3:47 PM  
THOMAS A WILDER  
DISTRICT CLERK

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## Service by Social Media – Suggested Process

1 of 2

1. Date and Time stamp when the documents are received in your office.
2. When you are ready to deliver the documents by social media or email, write the date/time of delivery on the "service copy."
3. Scan all the documents that will be served.
4. If service via email:
  - a. Write and address an email to the defendant.
  - b. "Tag" the email with
    - "Request a delivery receipt for this message"
    - "Request a read receipt for this message"
  - c. Select "High Importance"

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## Service by Social Media – *Suggested Process*

2 of 2

5. Attach the scanned copy of the documents to the email
6. Send.
7. Print a copy of the email that you just sent.
8. Print a copy of any return you received from your email provider.
9. Complete the service return on the citation.
10. Attach a copy of the email you sent and a copy of the response from your email provider.

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## Service by Social Media – *Examples*

**Thomas L. Sanders**

---

**From:** Thomas L. Sanders  
**Sent:** Thursday, August 21, 2025 8:37 AM  
**To:** dallastocal@gmail.com  
**Subject:** Service of Citation, Cause No. 360-769882-25  
**Attachments:** 360-769882-25 FRANKLIN.pdf

**Importance:** High

Mr. Devin Franklin,

By order of the 360<sup>th</sup> District Court, Tarrant County, Texas, the attached Citation and Petition, Cause No. 360-769882-25, is hereby delivered to you, pursuant to the Texas Civil Practice and Remedies Code, § 17.033.

*Thomas Sanders, Ph.D.*  
Chief Deputy Constable  
Tarrant County, Precinct 1  
100 W. Weatherford St. #460A  
Fort Worth, Texas 76196  
817-884-1385

**Thomas L. Sanders**


---

**From:** Microsoft Outlook  
**To:** dallastocal@gmail.com  
**Sent:** Thursday, August 21, 2025 8:34 AM  
**Subject:** Relayed: Service of Citation, Cause No. 360-769882-25

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[dallastocal@gmail.com](mailto:dallastocal@gmail.com) ([dallastocal@gmail.com](mailto:dallastocal@gmail.com))

**Subject:** Service of Citation, Cause No. 360-769882-25

 Service of Citation, Cause ...

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# Service by Publication

Allowed when plaintiff or plaintiff's attorney makes a sworn statement that:

- Defendant's address is unknown,
- Defendant is transient and can't be located after diligent efforts, or
- Defendant is absent from or a nonresident of Texas, and personal service on the defendant in his or her state of residence has been unsuccessful.

TRCP Rules 109, 116, & 501.2(f)

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# How does Publication Work?

If allowed, the citation is published:

- Once a week for 4 consecutive weeks.
- With the first publication done at least 28 days before the return date of the citation.

TRCP Rules 109, 116, & 501.2(f)

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## Service by Publication: Newspaper

- If the suit DOES NOT involve title to land or partition of real estate, publication is in the county where the case is pending if that county has a newspaper.
- If the suit DOES involve title to land or partition of real estate, publication is in the county where the land, or a portion of the land, is located if that county has a newspaper.

TRCP Rules 109, 116, & 501.2(f)

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## Service by Publication: Public Information Internet Website

- Generally, in addition to newspaper publication, the citation must be published on the Public Information Internet Website: <https://topics.txcourts.gov/>
- This is done by the court clerk
- In some cases, publication in the newspaper may not be required, and publication will only be made on the Public Information Internet Website:
  - If the party requesting the citation files a Statement of Inability to Afford Payment of Court Costs;
  - If the total cost of the required publication exceeds \$200 each week or an amount set by the TX Supreme Court (whichever is greater); or
  - If the county in which the publication is required does not have any newspaper published, printed, or generally circulated in the county.

TRCP Rules 116 & 501.2

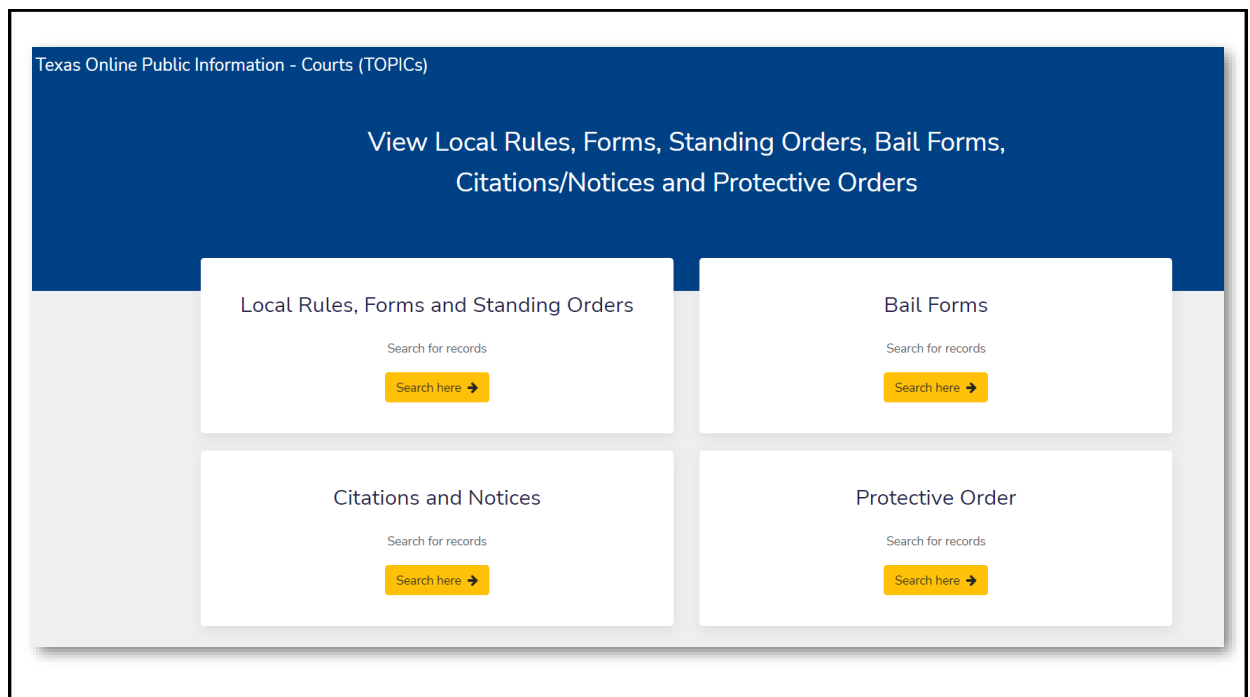
54

# Have you visited the TOPICs Website yet?

(Texas Online Public Information-Courts)

1. Yes
2. No

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## Who is the Citation Delivered to?

57

## Deliver the Citation to:

If the case is against an individual:

- Defendant named in the citation.
- If alternative service is allowed: any person over the age of 16.

If the case is against a business:

- Business owner or registered agent for service.
- If the business is a partnership: at least one of the partners.
- If the business owner can't be located, isn't a resident of the county, or isn't a resident of Texas: an agent or clerk of the business.

CPRC §17.021 & 17.022

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## Practice Tip

Have the plaintiff give you a copy of the defendant's photograph and/or description before you attempt to serve:

- You'll know who you're looking for.
- You'll know if you're talking to the defendant even if he/she tells you their name is something different.

If you have determined it's the defendant, but they tell you their name is something else:

- In a non-confrontational way, explain that unless they can prove they are someone else they are considered served.
- It is *advisable* not to deliver the citation unless you can determine the identity or until the defendant admits or confirms their true identity.

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## Service on a Partnership

If a suit is against several partners who are jointly indebted under a contract and citation has been served on at least one, but not all partners, the court:

- May render judgment against the partnership and against the partners who were actually served, but
- May not award a personal judgment or execution against any partner who was not served.
- Best practice: serve ALL partners if possible

CPRC §31.003

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## Service on a Dissolved Corporation

When a case is filed against a dissolved corporation, the citation may be served on the:

- President,
- Directors,
- General manager,
- Trustee,
- Assignee, or
- Other person in charge of affairs at the time the corporation was dissolved.

TRCP Rule 29

61

## 1. Who to Serve When it's Not Obvious

Political subdivisions:

- County: the county judge.
- City: mayor, clerk, secretary, or treasurer.
- School district: president of the school board or the superintendent.
- Financial institution:
  - Registered agent, president, or branch manager.
- Credit union:
  - Registered agent, president, or vice president.

CPRC §17.024 & 17.028

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## 2. Who to Serve When it's Not Obvious

Prison inmate:

- Employee designated by the Warden to act as an agent for service;

Suit against a non-resident business entity:

- Person in charge, resident agent for service, or Secretary of State;

Delinquent tax suit:

- Secretary of State.

CPRC §17.029 & 17.044

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## 3. Who to Serve When it's Not Obvious

Transportation suits:

- Person in charge, designated resident agent for service, or the Texas Transportation chairman;

Utility supplier:

- Local agent, superintendent, representative, or person in charge;

Foreign Railway:

- Conductor or agent who sells tickets or makes contracts.

CPRC §17.062, 17.091, & 17.093

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# Service Duties & Requirements of the Officer

65

## 1. Service Duties & Requirements

- “Officer” doesn’t necessarily mean law enforcement; it means the person serving the citation.
- The officer’s ONLY responsibility is to hand the citation and petition to the person being served.
- The officer may not force a person to open the door, accept service, or use force to enter.

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## 2. Service Duties & Requirements

When serving the citation, the officer must:

- Enter the citation into their record keeping system.
- Write/stamp on the citation the date and time when the officer received it.
- Write the date of delivery on the citation before giving it to the defendant.
- Serve the citation on the defendant.
- Proceed without delay.
- Attempt service at all addresses provided.
- Keep copies of all documents in accordance with established record retention schedules.

TRCP Rule 501.2

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## Attempting Service

The number of attempts required varies by agency, but multiple, diligent attempts on different days/at different times of the day should be made.

Remember: alternative service cannot be requested until attempts to serve by personal delivery or mail are unsuccessful.

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Records must be retained and may be destroyed pursuant to established retention schedules.

Retention of records relating to service of process:

Local Schedule PS – Retention Schedule for Records of Public Safety Agencies

[www.tsl.state.tx.us/slr/recordspubs/localretention](http://www.tsl.state.tx.us/slr/recordspubs/localretention)

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## Fee Collection

The officer is **NOT** entitled to demand his or her fee for service in advance of serving the process.

- The officer's fee is to be taxed and collected as other costs in the case.

EXCEPTION: if the officer is serving process for a case pending in another county, then the officer may require payment before serving UNLESS a Statement of Inability to Afford Payment of Court Costs has been filed.

TRCP Rules 17 & 126

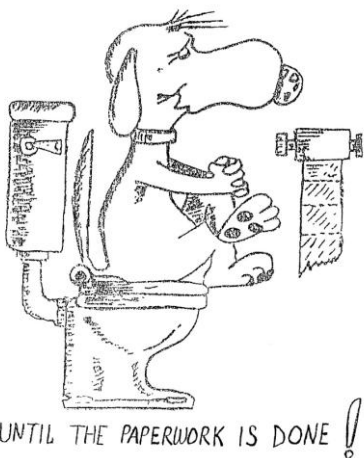
70

# Return Duties & Requirements of the Officer

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## 1. Return Duties & Requirements

NO JOB IS FINISHED



Once the citation is served, the officer must complete a return of service.

- The court issued return may be used OR it can be a separate document.

The officer must sign the return and file it with the clerk of the proper court.

- If the officer is not a constable, sheriff, their deputies, or the court clerk, the signature must be sworn to and notarized.
- Return may be in person, electronically, or by fax.

TRCP Rules 15, 16, 107, & 501.3

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## 2. Return Duties & Requirements

The return should be filed as soon as the citation has been served.

The return must be filed:

- At least 3 days before a default judgment can be granted in justice court
- At least 10 days before default judgment can be granted in district and county court.

TRCP Rules 107, & 501.3

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## 3. Return Duties & Requirements

- Include the cause number.
- Include the case name.
- Include the name and county of the court where the case is filed.
- Indicate the date and time the citation was received for service.
- Include the name of the person or entity served.
- Indicate the address where the citation was served.
- Include the date(s) and time(s) of service and/or attempted service.
- Indicate the manner of delivery of service and/or attempted service.
- Description of what was served.

TRCP Rules 107, & 501.3

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## 4. Return Duties & Requirements

- Name of the person(s) who served and/or attempted service.
- If the person serving is a process server, his or her identification number and expiration date.
- If the citation was served by registered or certified mail, include the return receipt with the addressee's signature.
- If the citation was served by publication, specify the dates of publication and include a printed copy of the publication.
- Any other information required by rule or law.
- Any additional information specific to the service that should be noted in the file.

TRCP Rules 107, 117 & 501.3

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## More is Better

Don't feel obligated to use, or limited to, the return section printed on the citation.

- If you need more space, use a separate document.
- The more detail you provide, the better off you are.
- If proper service becomes a contested issue in court, your return will protect you and help refresh your memory if you must testify.

### Sample Return

- On the TJCTC website
  - [www.tjctc.org](http://www.tjctc.org)
  - Under "forms"

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## Liability for Failure to Execute And Return

If a constable fails or refuses to execute and return a process that is lawfully directed and delivered to him or her, the constable **SHALL** be fined for contempt on the motion of the person injured by the failure or refusal.

- Applies to deputy constables in the same way.

Fine of \$10 - \$100 plus costs paid to the injured person.

May be liable for damages as a result of negligence or refusal.

Local Government Code §86.021 & 86.024, CPRC §7.001

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# SAFETY

- **Complacency** is the mindset where you become comfortable with an existing situation and stop looking for potential hazards.
  - Familiar, routine, and repetitive tasks that don't require active problem solving;
  - Long track record where nothing has gone wrong;
  - Could develop a false sense of security;
  - Being less attentive.

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# SAFETY

## PLAN AHEAD

- IDENTIFY the hazards or risks;
- PREDICT what could happen;
- DECIDE what actions you could take;
- EXECUTE the plan if you must.

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***Excellence is a conscious decision.***

Edward W. Hood

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# Citation Process – *Sample*

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## **Serving a Citation: Step 1**

You receive a citation from the clerk's office to serve. What do you do first?

- Create a case file/folder with an information coversheet or index card.
  - Urban offices: the file may come to you already prepared.
  - Rural offices:
    - 3 section folders work well for separating documents into documents that are given to the defendant, documents issued by the court, and a work product section.

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## Serving a Citation: Step 2

After assembling the folder, what do you do next?

- Record the following on the information coversheet:
  - Party names
  - Cause Number
  - Issuing court
  - Court date
  - Date received
  - Type of document
  - Deputy assigned to serve
  - Name and address of person to be served

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[illegible]

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## Serving a Citation: Step 3

On June 1, at 10:30 AM you go to 625 Lost Key Dr. to serve the citation. The address for service is not a business but a house. You knock loudly several times, but no one answers the door.

What do you do while you're at the location?

- Leave a business card with the cause number written on it if you have one.
- What do you do when you get back in your car or back to the office?

Date	Time	Deputy	Notes
6/1/18	10:30 AM	KH	Address is a home, no one there, left business card

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## Serving a Citation: Step 4

- On June 5, at 6:00 PM you go back to 625 Lost Key Dr. to try serving the citation again.
- No one is home and your business card is still stuck in the door where you left it.
- The next morning, you send an email to plaintiff's attorney asking if they know of any other addresses where you can serve the defendant's agent.
- Plaintiff's attorney responds and says they don't have any other addresses for the defendant or defendant's agent. The attorney wants you to request alternative service.
- You submit a sworn affidavit and request alternative service from JP 2.

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## What does your information sheet look like now?

ATTEMPTS:			
Date	Time	Deputy	Notes
6/11/18	10:30 AM	KH	Address is a home, no one there, left business card
6/15/18	6:00 PM	KH	No one at address, business card still in door.
6/5/18 - Sent email to plaintiff's attorney to see if they have other addresses to serve.			
6/6/18 - Plaintiff's attorney e-mailed that they don't have any other addresses for defendant or defendant's agent. They want alternative service.			
6/6/18 - Requested alternative service from JP 2			

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## Serving a Citation: Step 5

- On June 13, the court grants alternative service by mailing a letter to defendant's agent and leaving a copy of the citation and petition with anyone over age 16 at Lost Key Golf Club.
- On June 13, at 11:00 AM, you hand the citation and petition to Allen Goode, the golf pro. You also mail the citation and petition certified mail with return receipt requested.
- On June 25, you receive the return receipt with the agent's signature. Later that afternoon you file your return with the court.

What does your information sheet look like now?

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BLUE FALCON COUNTY, TEXAS  
PRECINCT ONE  
CURTIS HARRINGTON, CONSTABLE

INFORMATION COVERSHEET

Plaintiff: Adam Scott Cause No. CV-2018-02508  
 Defendant: GPD-GC LLC DBA Lost Key Golf Club Court: JP2 - Blue Falcon County  
 Type of document: Citation Court date: \_\_\_\_\_  
 Date Received: 5/31/18 Deputy assigned: Hughes  
 Person(s) to be served: Greg Jones  
 Address for service: 025 Lost Key Dr, Austin, TX 78735  
 \_\_\_\_\_  
 \_\_\_\_\_  
 EXECUTED BY: K. Hughes  
 DATE EXECUTED: 6/13/18 TIME EXECUTED: 11:00 AM  
 DATE RETURNED: 6/25/18

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ATTEMPTS:

Date	Time	Deputy	Notes
6/1/18	10:30 AM	KH	Address is a home, no one there, left business card
6/5/18	6:00 PM	KH	No one at address, business card still in door.
6/13/18	11:00 AM	KH	Served Allen, golf pro + mailed copies via certified mail. Full name: Allen Goode
6/5/18 - Sent email to plaintiff's attorney to see if they have other addresses to serve.			
6/6/18 - Plaintiff's attorney e-mailed that they don't have any other addresses for defendant or defendant's agent. They want alternative service.			
6/6/18 - Requested alternative service from JP 2			
6/13/18 - Alternative service granted - mail letter to agent (certified w/ return receipt requested) + serve someone 16+ at Lost Key Golf Club.			
6/25/18 - Filed return with mail return receipt with agent's signature attached.			

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## **Serving a Citation: Step 6**

Do you use the return on the citation or a separate document?

- Pros and cons of using the return on the citation?

- Pros and cons of using a separate document?