

Affidavit of Inability to Pay Costs

Normally the filing and service fees for filing a lawsuit in justice court are around \$100. You should contact the court to get the precise figures. If you receive SSI, TANF, or are in public housing or indigent and cannot afford to pay these costs, you can file an Affidavit of Inability to Pay Costs to defer the costs for filing and serving the lawsuit. The courts do not always have these forms available, but if you are truly indigent it is your right to file a lawsuit without paying the costs.

How to fill in the blanks in the form:

1 The first blank at the top of the form is the Case Number. You do not need to file that in, the clerk will assign the case number when you file the case.

2 On the right side at the top is the court information. Put the County of suit in the blank and put which Precinct and Place of the justice court where the suit was filed (e.g., Precinct 1, Place 2, Dallas County, Texas).

3 Since you filed the suit, then you are the Plaintiff. Put the landlord's name in the blank for the Defendant.

4 Fill in the county you are living in on the left side of the form.

5 Then fill in all the sources of income you receive and the amount you receive each month. List only sources you have access to (do not list the income of a spouse if the spouse does not live with you and does not provide you with income for household expenses). Also list the approximate monthly expenses you are supposed to pay each month.

6 List the number of dependents (people) you support (not including yourself).

7 List how many vehicles you own or operate as your own. This form was created for a truly indigent person. If you have any significant assets, you must list these and make corrections to the form. Remember, this affidavit is a sworn statement to the court that you do not have sufficient resources to pay the court costs. You must disclose whether you have significant income or assets that would indicate whether you can afford to pay court costs. While you may not want to pay the costs, this is not the issue.

8 Disclose the balance of any checking account or savings account you have. Also disclose the cash you have on hand.

9 Then sign your name at the bottom. Print your name, complete address and phone number below your signature.

10 You are further required to sign the document and swear that everything on the affidavit is true before a notary public. These are persons that are authorized by the state of Texas to administer oaths. Notaries can be found in banks, title companies and other locations. Unless you are a customer of the business, a notary may charge you a small fee to notarize a document. The fee should be around \$5 or \$10 at the most.

11 Then make two copies of the signed form and take them, with the original to the justice court for filing. The court will keep the original, and give you back one copy to serve on the landlord and one for your records. For more information on proceeding with the case, see Representing Yourself.

NO. _____

(cause number)

_____ ,)	IN THE JUSTICE COURT
PLAINTIFF (Your Name),)	
vs.)	
)	PRECINCT ____, PLACE ____
)	
_____ ,)	
DEFENDANT (Landlord).)	_____ COUNTY, TEXAS

AFFIDAVIT OF INABILITY TO PAY COSTS

Pursuant to Rule 145 of the Texas Rules of Civil Procedure, Plaintiff hereby files this affidavit of inability to pay costs and requests this Court file this cause of action against Defendant without payment of any fee, and provide all service, writs and processes necessary to enable Plaintiff to prosecute this cause of action.

STATE OF TEXAS)
)
COUNTY OF _____)

1.

My approximate monthly income consists of the following:

	AMOUNT	SOURCE OR DESCRIPTION
a) Public Benefits	_____	_____
b) Net Employment	_____	_____
c) Other Income	_____	_____
d) Child Support	_____	_____
e) Spouse Income (if available)	_____	_____

My approximate monthly expenses consist of the following:

	AMOUNT
a. Housing	_____

- b. Transportation _____
- c. Food _____
- d. Clothing _____
- e. Utilities _____
- f. Child Care _____
- g. Medical Expenses _____
- h. Other _____

2.

I have the following dependents living with me _____
(list names and ages)

3.

I have no substantial property other than my clothes, personal effects and household furnishings. I have ____ vehicle(s): _____.
(list make, model, year)

The balance of any checking account I have is \$_____. The balance of any savings account or other account I have is \$_____. I have \$_____ in cash in my possession.

4.

I am unable to pay the court costs and other fees. Nevertheless, I wish to file and serve my case against Defendant under Rule 145 of the Texas Rules of Civil Procedure. I verify that the statements made in this affidavit are true and correct.

 (Your Signature)

 (Your Printed Name)

 (Your Address)

 (Your City, State, Zip)

 (Your Phone Number)

Before me, the undersigned authority, on this day personally appeared _____, who after being duly sworn, on oath states the foregoing statements are within his or her personal knowledge and true and correct.

SUBSCRIBED AND SWORN to this _____ day of _____, 20____.

Notary Public, State of Texas