STANDING ORDERS OF THE JUSTICE OF THE PEACE, PRECINCT 3, PLACE 1 BRAZORIA COUNTY, TEXAS

The following Standing Orders are to be used by the Justice of the Peace Court Clerks and continuing until further Ordered. These Orders are intended to provide a guideline to the Court Clerks for use in dealing with the general public who may request payment of other disposition of Class C Misdemeanors or Traffic Citations when the Judge of the Court is not present.
Established 09/05/2014

Effective: 07/06/2017

TABLE OF CONTENTS

STANDING ORDER NO. 1: Payment Methods

STANDING ORDER NO. 2: Compliance Dismissals with Administrative Fees (Traffic or Criminal Cases)

STANDING ORDER NO. 3: Dismissals without a Fee (Traffic or Criminal Cases)

STANDING ORDER NO. 4: Driving Safety Course Disposition (Traffic Cases)

STANDING ORDER NO. 5: Deferred Disposition (Traffic or Criminal Cases)

STANDING ORDER NO. 6: Plea of Guilty or No Contest, Wavier of Bench/Jury Trial, and Payment of Fine (Traffic or Criminal Cases)

STANDING ORDER NO. 7: Payment Plan (Traffic or Criminal Cases)

STANDING ORDER NO. 7.1: Community Service in Lieu of Fine and Costs (Traffic or Criminal Cases)

STANDING ORDER NO. 8: Time Payment Fee (Traffic or Criminal Cases)

STANDING ORDER NO. 9: Indigent Defendants (Traffic or Criminal Cases)

STANDING ORDER NO. 10: Plea of Not Guilty, Posting of Bond or Request to Speak to State's Attorney (ADA) (Traffic or Criminal Cases)

STANDING ORDER NO. 11: Pre Trial Conference (Traffic or Criminal Cases)

STANDING ORDER NO. 12: Time Served/ Jail Credit (Traffic or Criminal Cases)

STANDING ORDER NO. 13: Capias Pro Fine (Traffic or Criminal Cases)

STANDING ORDER NO. 14: Judge's Signature Stamp

STANDING ORDER NO. 15: Omnibase Hold and Third Party Collections (Traffic or Criminal Cases)

STANDING ORDER NO. 16: Copy Fees and Requests for Copies

STANDING ORDER NO. 17: Self Addressed, Stamped Envelopes for Returns

STANDING ORDER NO. 18: Service of Citations (Civil Cases)

STANDING ORDER NO. 19: Civil Case Filing Fees

STANDING ORDER NO. 20: Assessment and Receipt of Civil Case Fees

STANDING ORDER NO. 21: Ex Parte Communication

STANDING ORDER NO. 1: PAYMENT METHODS

Traffic, Class C Misdemeanor, and Cases:

The court does not accept personal checks for these case types. Acceptable payment methods are cash, money order, cashier's check ; also acceptable are VISA, MasterCard, American Express and Discover credit cards. Payments made with a credit card will be processed through a third party company, Certified Payments, and a 2.85% (of the total payment) fee will be charged.

Small Claims, Debt Claims Cases, Repair & Remedy:

Acceptable payments are Cash, Cashier's Check, Money Order, Company Check, Attorney's Firm Check or Personal Check with verification of a Texas ID for the check signer. A party filing a Small Claim or Debt Claim may use a VISA, MasterCard, American Express or Discover credit card to pay the requisite fees, however, the court will not issue a citation on these cases until the filing fees are confirmed to have cleared the bank via our County Treasurer's Department. Payments made with a credit card will be processed through a third party company, Certified Payments, and a 2.85% (of the total payment) fee will be charged.

Evictions:

Acceptable payments are cash, cashier's check, company check, attorney's firm check, personal check (verification of Texas ID required) or money order.

Occupational Driver's License and Writ of Re-Entry:

For Occupational Driver's License cases, acceptable payment methods are cash, cashier's check or money order only.

NOTICE: The court does not have the ability to make coin change. Any amounts due that will be paid in cash and that require coins for payment will need to be remitted in the exact cents due. The court does keep bill change, therefore if the amount due is $67.10, the payer could remit $70.10 and receive $3.00 in change.

[Standing Order No. 1 Amended: 6/14/17]

STANDING ORDER NO. 2: COMPLIANCE DISMISSALS WITH ADMINISTRATIVE FEES (TRAFFIC OR CRIMINAL CASES)

The Court Clerks are authorized to process the dismissal of the following offenses, upon payment of the specified administrative fee, if the specified evidence is presented. The Court Clerk must keep a copy of the evidence presented for the court's file in order for the dismissal to be processed.

Any remedy requiring the viewing of a vehicle as part of satisfactory evidence will not be performed by a Court Clerk for safety and security reasons. If a Constable or Peace Officer is present at the court's

office and can inspect the vehicle for compliance, then the Court Clerk may proceed with the dismissal procedures. If a Constable or Peace Officer is not available, the case will be re-docketed to a Pre-Trial docket, which is a date/time when a Constable or Peace Officer will be present.

1. Expired Registration/License Plate (Trans. Code 502.407(b))
    - If defendant presents satisfactory evidence (tax office receipt for renewal of registration for the vehicle described on the ticket/citation) that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
    - The defendant presents evidence of payment of the late fee for registration with the appropriate tax office as required in Trans. Code 502.407(b) and Trans. Code 502.045
    - The defendant pays an administrative fee of $10. (Law allows up to $20 fee, but our court collects $10.)
2. Expired Driver's License (Trans. Code 521.026)
    - If defendant presents satisfactory evidence (Paper Copy of Driver's License Renewal issued from the Texas Department of Public Safety) that he/she renewed his/her driver's license within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later, and
    - The defendant pays an administrative fee of $10 (Law allows up to $20 fee, but our court collects $10.)
3. Fail to Display Driver's License (Trans. Code 521.025)
    - Upon presentation of a Texas Drivers' License that was: issued to that person, appropriate for the type of vehicle operated, and valid at the time of the arrest/ticket/citation for the offense; and
    - The defendant pays an administrative fee of $10.
4. Failure to Display License Plate (Trans. Code 504.943)
    - Defendant remedies the defect before his/her first court appearance, and
    - Registration for the vehicle is current during the period the offense was committed (proven by a valid tax office receipt indicating the period of inspection for the vehicle described on the ticket/citation), and
    - Upon verification by a Constable or Peace Officer that the defendant has remedied the defect (two license plates are appropriately affixed to the vehicle) at the Court's location; and
    - The defendant pays an administrative fee of $10.
5. Obscured License Plates (Trans. Code 504.944)
    - If defendant remedies defect before his/her first court appearance, and
    - The remedy is confirmed by a Constable or Peace Officer at the Court's location; and
    - The defendant pays an administrative fee of $10.
6. Change of Address or Name (Trans. 521.054)
    - If the defendant presents satisfactory evidence (paper copy of driver's license issued by Texas Department of Public Safety) that he/she remedied the defect not later than 20

working days after the date of the offense or before the defendant's court appearance, whichever is later; and

- The defendant pays an administrative fee of $10 (Law allows for up to $20 fee, but our court collects $10)

7. Equipment Violations (Trans. Code 547.004 (c) and (d))
    - If the offense does not apply to a commercial motor vehicle
    - If the defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance and
    - Upon verification by a Constable or Peace Officer that the defendant has remedied the defect at the Court's location, and
    - The defendant pays an administrative fee of $10
8. Expired Disabled Parking Placard (Trans. Code 681.013)
    - If the defendant presents satisfactory evidence (a tax office receipt) that he/she renewed the disabled parking placard not later than 20 working days or by the appearance date on the ticket/citation, whichever is later, and
    - The defendant pays an administrative fee of $10 (Law allows up to a $20 fee, but our court collects $10)
9. Any other violation that has a statutorily premised dismissal with a fee
    - If the defendant complies with the Texas statute with regard to remedies and
    - The defendant provides any satisfactory evidence necessary to substantiate a remedy and,
    - If applicable or necessary, the remedy has been verified by a Constable or Peace Officer at the Court's location, and
    - Pays an administrative fee of $10, or the administrative fee indicated in the Texas statute if $10 is not appropriate.

STANDING ORDER NO. 3: DISMISSALS WITHOUT A FEE (TRAFFIC OR CRIMINAL CASES)

The Court Clerks are authorized to process the dismissal of the following offenses upon showing the requisite proof:

1. Proof of Financial Responsibility [No Insurance] (Trans. Code 601.193
    - If the defendant provides proof of financial responsibility, such as a valid insurance card or insurance policy to the Court Clerk and
    - The Court Clerk is able to verify with the proof of financial responsibility with the issuing company, agent or department
2. No Driver's License (Trans. Code 521.021)
    - A person who is charged with No Driver's License may request a Pre Trial hearing to allow the State's Prosecutor (ADA) the opportunity to review any defense to prosecution (for instance, if the defendant has proof of a valid license for the date of the offense and type of vehicle that was being operated)

STANDING ORDER NO. 4: DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE REQUESTS (TRAFFIC CASES)

The Court Clerks are authorized to process requests for Driving Safety Course or Motorcycle Operator Course, including accepting written pleas, drafting Court Orders, and collecting fees. Orders for Driving Safety Course are valid only after the Judge signs the Order. Any order processed in error will be rescinded and the defendant will be notified of a new court date.

Only persons who meet the requirements under Texas Criminal Code of Procedures (CCP) 45.0511 will be granted a deferred disposition to take a driving safety or motorcycle operator's course. Commercial Driver's license holders will not, under any circumstances, be allowed this disposition for a moving violation. Defendants who are younger than 25 year of age who have not taken a driver's safety or motorcycle operator's course for the dismissal of a moving violation within the preceding 12 months will be granted this disposition if a request for dismissal is made.

After a defendant enters a plea of guilty or no contest by the appearance date on his/her ticket and he/she makes a request for dismissal after driving safety or motorcycle operator's course completion, the court will require:

(1) proof of valid Texas Driver's License (unless proof of active duty military),
(2) current proof of financial responsibility (i.e. valid insurance that indicates the defendant as a driver on the policy), and
(3) a fee of $110 for all court costs in order to process the request.

Defendants who fail to comply with the terms of the Order for this disposition will be docketed for a Show Cause Hearing. Failure to comply with the terms, without good cause, will result in assessment of the fine balance on the case and final conviction of offense.

Compliance with the Court's Order for this disposition will result in dismissal of the charge.

STANDING ORDER NO. 5: DEFERRED DISPOSITION (TRAFFIC OR CRIMINAL CASES)

Only persons qualified under Criminal Code of Procedure (CCP) 45.051 will be granted an Order for Deferred Disposition upon a plea of guilty or no contest and a request for dismissal under this disposition. Commercial Driver's License holders will not, under any circumstance, be allowed to have a deferred disposition for a moving violation. Orders processed in error will be rescinded and the defendant will be notified of a new court date.

Violations of the Penal Code, Alcohol & Beverage Code, Parks & Wildlife Code, **in a School Zone**[1] or any type of class c misdemeanor offense where the assessed fine is more than $200 (**other than Failure to Maintain Financial Responsibility*), will not be granted a deferred disposition outside of a courtroom setting where the prosecutor for the state is present. Therefore, defendants who would like deferred disposition for an offense as described above will be docketed for a Pre-Trial Conference.

*The offense of Failure to Maintain Financial Responsibility (No Insurance) has specialized deferral terms.

For traffic offenses where the assessed fine is $200 or less, and the defendant is 25 years of age or older, the court has standard deferred disposition terms, as follows:

Same Day Deferral:

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits the total court costs (which varies depending on the offense) plus the deferral fee of $100.00 (or if the maximum fine on an offense is less than $100, then the deferral fee will be the same as the maximum fine amount for the charged offense). Typically, the total costs for a moving violation is $200.10, however, the amount may vary dependent on the charged offense.

Two-Week Deferral:

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits the court costs assessed on the case (typically for moving violations this is $100.10)
- Defendant refrains from receiving any violations of the law for a two-week period
- Defendant appears back at the court at the end of the two-week period and remits a special expense (deferral) fee in the amount of $100 and
- Defendant signs a statement of successful completion

30-Day Deferral:

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits the court costs assessed on the case (typically for moving violations this is $100.10)
- Defendant refrains from receiving any violations of the law for a 30-day period
- Defendant appears back at the court at the end of the 30-day period and remits a special expense (deferral) fee in the amount of $100 and
- Defendant signs a statement of successful completion

[1] text added by amendment & effective on 10/31/14

For Defendants who are younger than 25 years of age and who are not qualified to take a Driver's Safety Course for the dismissal of a moving violation, the court may allow Deferred Disposition as follows:

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits the court costs assessed on the case (typically for moving violations this is $100.10)
- Defendant refrains from receiving any violations of the law for a 90-day period
- During the 90-day period, the defendant completes a Driving Safety Course and remits a completion certificate for said course to the court by the end of the 90-day period
- Defendant appears back at the court at the end of the 90-day period and remits a special expense (deferral) fee in the amount of $100 and
- Defendant signs a statement of successful completion

***Deferred disposition for the offense of Failure to Maintain Financial Responsibly (No Insurance):**

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits proof of current valid financial responsibility (i.e. an insurance card indicating the defendant as a driver on the policy)
- Defendant remits the court costs assessed on the case (typically this amount is $67.00)
- Defendant refrains from receiving any violations of the law for a 6-month period
- During the 6-month period, the defendant is required to maintain continuous financial responsibility (insurance) without any lapse in coverage (Court Clerk will call insurance company or other issuing department to confirm continuous financial responsibility) for the entire 6-month period
- Defendant appears back at the court at the end of the 6-month period and remits a special expense (deferral) fee in the amount of $100 and
- Defendant signs a statement of successful completion

STANDING ORDER NO. 6: PLEA OF GUILTY OR NO CONTEST, WAIVER OF BENCH/JURY TRIAL, AND PAYMENT OF FINE (TRAFFIC OR CRIMINAL CASES)

Defendants should submit a plea in writing to the court. Defendants who would like to enter a plea by mail may use the plea form located on the Brazoria County website, Justice of the Peace section. Here is the link to the form: http://www.brazoria-county.com/jp/Plea%20Form.pdf .

Upon a plea of guilty or no contest, the court may accept court costs and fine in full. If a defendant is unable to remit the payment in full, he/she may appear at the court's window and request a payment plan. (See Standing Order No. 7 for information regarding payment plans)

Submission of the court costs and fine without a written plea (CCP 27.14(c)) will result in a plea of no contest to be entered on the case.

Payment of the court costs and fine results in a conviction for the charged offense.

STANDING ORDER NO. 7: PAYMENT PLAN (TRAFFIC OR CRIMINAL CASES)

Upon a plea of guilty or no contest, a waiver of jury/bench trial, the Court Clerk may process a request for a payment plan as follows:

- In accordance with the Texas Administrative Code, Rule 175.3(a)(7)(A), there are two options for a standard payment plan in this court:

  Option 1: Minimum payment(s) of $50.00 every two weeks until the balance is paid in full.

  Option 2: Minimum payment(s) of $100.00 once per month until the balance is paid in full.

  *** Prior to signing a Payment Plan Agreement with the court, a defendant may elect a higher payment amount than the minimum amounts described in Option 1 or Option 2 stated above. If the defendant elects to have a higher payment amount, the amount chosen will become the defendant's minimal payment amount due per incremental period (every two weeks or monthly). ***
- After selection of a Standard Payment Plan option, Defendant completes a Contact Information Sheet
- Defendant's Contact Information is verified by the Court Clerk
- Defendant completes an oral interview with the Court Clerk to review the Payment Plan
- A defendant may elect to have his or her Payment Ability Information reviewed for an alternative payment plan or other options for discharge of the fine/court costs. Texas Administrative Code, Chapter 175 governs.
- Any monies collected over the minimum payment specified in a Payment Plan shall be applied to the next payment due.

Note: A case with a status of Capias Pro Fine Warrant may not be included in a Payment Plan Agreement. (See Standing Order No. 13)

[Standing Order No. 7 Amended 01/01/2017, 06/16/17, 07/06/17]

STANDING ORDER NO. 7.1 : STANDARD OPTION FOR COMMUNITY SERVICE IN LIEU OF FINE AND COSTS FOR T.A.C., CHAPTER 175.3(a)(6)(A) QUALIFIED DEFENDANTS (TRAFFIC OR CRIMINAL CASES)

This Standing Order is set in accordance with the judicial discretion described in Texas Administrative Code 175.3(a)(6)(D).

If a defendant who has submitted a completed *Payment Ability Information and Payment Plan Application* form to the court for consideration possesses at least one of the three criteria found in Texas Administrative Code 175.3(a)(6)(A) [Defendant is required to attend school under Sec. 25.085 of the Texas Education Code; Defendant's household income is at or below 125% of the federal poverty level; the defendant receives government assistance in the form of food stamps, WIC, Medicaid, or CHIPS], then the defendant may be granted community service in lieu of the fine and costs, as long as the defendant agrees to this method for discharging the fine and costs owed.

[Standing Order No. 7.1 Added 01/01/2017]

STANDING ORDER NO. 8: TIME PAYMENT FEE (TRAFFIC OR CRIMINAL CASES)

The Court will assess a $25 time payment fee on the 31st day after the date of judgment on any case where a portion of the court costs, fine or restitution on a case has not been paid in full.

STANDING ORDER NO. 9: COMMUNITY SERVICE; INDIGENCE OR FINANCIAL INABILITY TO PAY (TRAFFIC OR CRIMINAL CASES)

Defendants who are not qualified for a Payment Plan as described in Standing Order No. 7 due to indigence or financial inability may be eligible for the non-monetary option of community service in lieu of the fine and court costs owed on a case.

Defendants who are determined by the court to be indigent or financial unable to pay without undue hardship, may be granted community service in lieu of the court costs and fine, or any portion of thereof. As a standard, for every $100 owed, the court will assess 8 hours of community service.

Community service is a method by which court costs and a fine may be discharged. An Order Granting Community Service in Lieu of Court Costs and Fine results in a conviction of the charged offense.

At any time during the term of the *Order for Community Service*, the defendant may opt to:

- pay the fine and court cost balance in full, or
- remit partially completed community service hours with a payment to satisfy the remaining balance of the fine and costs owed.

STANDING ORDER NO. 10: PLEA OF NOT GUILTY, POSTING OF BOND OR REQUEST TO SPEAK TO STATE'S ATTORNEY (ADA) (TRAFFIC OR CRIMINAL CASES)

A defendant who enters a plea of not guilty, posts a bond or requests to speak to the State's Attorney (Assistant District Attorney- (ADA)), will be docketed for a Pre Trial Conference.

STANDING ORDER NO. 11: PRE TRIAL CONFERENCE (TRAFFIC OR CRIMINAL CASES)

Pre Trial Conferences are scheduled once per month, typically on the second Wednesday of each month. Dockets are set according to availability. The court may schedule a Pre Trial date on a date other than the second Wednesday of any given month, if a conflict on the court's schedule exists. Defendants may request one reset of their Pre Trial setting.

If a fine is assessed at a Pre Trial Conference and the defendant is unable to make the required payment, the court shall initiate the process for a payment plan or indigence consideration. If court costs and/or a fee are assessed at a Pre Trial Conference and the defendant cannot remit the required payment, an extension for the minimum amount of time needed as indicated by the defendant, not to exceed two weeks from the Pre Trial Conference date, shall be allowed for the defendant to remit the required payment. Due dates that are extended as premised by this Standing Order will be noted on the applicable Court Order and initialed by the Clerk of the Court or Judge and also by the defendant. [2]

STANDING ORDER NO. 12: TIME SERVED/JAIL CREDIT (TRAFFIC OR CRIMINAL CASES)

In satisfaction of fines and court costs, the court may grant time served/ jail credit. Defendants, who have not already entered a plea, must first enter a plea on the charged offense. Upon a plea of guilty or no contest, the defendant may make a written request for time served/jail time. If the defendant was not incarcerated at the Brazoria County Sheriff's Department jail, the request must be accompanied by documentation that shows the following:

(1) Which facility the defendant was jailed
(2) The period of incarceration (date the defendant was booked into jail and date the defendant was released)

The incarceration period for which the defendant requests jail time/credit served must be dated on or after the issuance date of this court's warrant. Time served/jail credit is typically granted at a rate of $100 credit for every day of incarceration.

[2] Paragraph added by amendment and effective 7/26/16

Effective: 07/06/2017 _____

STANDING ORDER NO. 13: CAPIAS PRO FINE WARRANTS (TRAFFIC OR CRIMINAL CASES)

Court Clerks may accept payment in full for outstanding capias pro fine warrants. Court Clerks may not process a Payment Plan requests for an unsatisfied judgment that has escalated to a Capias Pro Fine warrant case status.

STANDING ORDER NO. 14: JUDGE'S SIGNATURE STAMP

The Judge will hand-sign all Warrants, Orders, Subpoenas and correspondence on the signature line of the document. Documents will not have effect until they are signed by the Judge. As of January 1, 2013, only Orders issued from a Pre Trial Hearing or a school-related hearing (Juvenile Docket) may be stamped with the Judge's signature stamp, as these are Orders generated in the presence and at the direction of the Judge. Other than the aforementioned exceptions, the Court Clerk may not use the Judge's signature stamp on any documents unless specific permission by the Judge has been authorized.

STANDING ORDER NO. 15: OMNIBASE HOLD AND THIRD PARTY COLLECTIONS (TRAFFIC OR CRIMINAL CASES)

Cases that proceed to a warrant status will be referred to the Department of Public Safety's Failure to Appear Program (Omnibase system). An administrative fee of $30.00 will be added to each case that is referred; this is not a court cost. Upon payment in full of the case balance and the Omni administrative fee, the Court Clerk will electronically submit a clearance of the case into the Omnibase system. According to state law and Omnibase policies, certain defendants may not be required to pay the Omnibase fee.

All cases with a defendant over the age of 17 at the time of the case's filing will be referred to a third party collection agency if one of the following criteria exist:

- The court costs and fine balance is not paid on the case by the 60th day from the date on which the fine and/or court cost should have been paid in full as determined by the court; or
- The defendant fails to appear by the 60th day after the date for which the accused promised to appear or was notified, summoned, or ordered to appear.

A collection agency fee in the amount of 30% of the total unpaid balance will be added to the case balance of each case referred to the collection agency. (Government Code 103.021(25); CCP 103.0031) The Court Clerk will electronically notify the third party collection agency of any case in which: (1) the outstanding judgment (fine/court costs) has been satisfied, (2) an otherwise proper disposition has occurred, or (3) an appearance relieving the defendant's failure to appear has occurred. Once a

Effective: 07/06/2017 _____

collection agency fee has been assessed on a case, the fee must be paid or discharged by some other lawful manner (community service, indigent waiver, dismissal, etc.).

[Standing Order No. 15 Amended 06/16/17]

STANDING ORDER NO. 16: COPY FEES AND REQUESTS FOR COPIES

The court will assess a copy fee of .10 cents per page for a regular copy of documents. (Admin. Code 70.3) The court will provide one free copy of a Court Order, Community Service Verification form per party and/or attorney. Additional copies will incur the 10 cents per page fee. Two-sided documents are considered two pages.

Plaintiffs in Civil Suits are required by Part V of the Texas Rules of Civil Procedure (TRCP) to provide an adequate number of copies of an Original Petition and any other accompanying documents for each defendant being served. The Court will make copies at a rate of .10 cents per page for copies needed to satisfy TRCP requirements. (TRCP 501.1(d))

Certified Copies are $2.00 for the first page and .25 cents for each additional page. (Local Gov. Code 118.121)

A person or entity requesting a copy of a document should provide the request for copies is writing that should include:

- the case styling and case type or charge; or the unique cause or docket number; and,
- the name or specific description of the document which the person or entity seeks; and,
- whether certified copies are requested; and
- proof of the requesting individual's ID (copy of state-issued ID or DL), unless the request is made by an attorney or attorney's firm representing a party in the case and the request identifies a state bar number.

Requests by mail should contain the proper copy fee and a self-addressed, stamped envelope for the return of copies.

STANDING ORDER NO. 17: SELF ADDRESSED, STAMPED ENVELOPES FOR RETURNS

A party requesting any documents/items be returned by mail must provide a self-addressed envelope with adequate postage for the requested return. Otherwise, requested documents/items may be retrieved at the court office located at 260 George Street, Suite 100, Alvin, Texas 77511 during business hours.

STANDING ORDER NO. 18: SERVICE OF CITATIONS (CIVIL CASES)

The Court Clerk, upon payment of the proper filing fee, will issue the required number of Citations in civil cases.

Court Clerks will not verify addresses or remit citation service fees to out-of-county offices or entities on behalf of the plaintiff. Therefore, any citation requiring out-of-county service will be returned to the plaintiff, who is responsible for obtaining proper service in accordance with the TRCP. However, if a defendant may be served in Brazoria County, the Court Clerk will accept the required service fee of $75.00 per defendant and forward the Citation and Copy of the Petition* to the constable or sheriff, unless the plaintiff request otherwise.

Eviction cases must be filed in the county and precinct in which the property subject to the suit is located (TRCP 510.3(b)) and the Citation must be served by the constable or sheriff (510.4(b)). A service fee of $75.00 per named defendant will be assessed in Eviction cases. If an Eviction case is filed in the wrong precinct, the service fees collected by the court will be refunded if the case is dismissed prior to the constable or sheriff's attempting service of the Citation.

**A copy fee of .10 cents per page will be assessed if adequate copies are not provided; see Standing Order No. 16.*

STANDING ORDER NO. 19: CIVIL CASE FILING FEES

The Court Clerk will receipt all filing fees. Once a case has been deemed filed, filing fees are non-refundable.

STANDING ORDER NO. 20: ASSESSMENT AND RECEIPT OF CIVIL CASE FEES

The following fees will be assessed, as requested or applicable, and shall be receipted by the Court Clerk after payment in full is made:

Filing Fee: $41.00

Writ Issuance Fee: $5.00

Writ Service Fee: $150.00

Subpoena Issuance Fee: $5.00

Brazoria County Subpoena Service Fee: $75.00

Brazoria County Citation Service Fee: $75.00

Service by Mail Fee: Variable amount according to US Postal rates

Effective: 07/06/2017 _____

Abstract Fee: $5.00 per issuance

Transcript Fee: $10.00

Jury Fee: $22.00

Certified Copy fee: $2.00 for first page, $0.25 for each additional page

Regular Copy fee: $0.10 per page

Other document issuance fee: $1.00 for first page, $0.25 for each additional page

Rent due on Appeal of an Eviction Judgment: (In a suit of Non-Payment of Rent when the defendant files an Affidavit of Inability to Pay): Amount required by Court's Order

Cash Appeal Bonds: Amount required by Court's Order

STANDING ORDER NO. 21: EX PARTE COMMUNICATION

The Judge will strictly adhere to Canon 6 (C)(2), Code of Judicial Conduct, as follows:

A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding. This subsection does not prohibit communications concerning:

(a) uncontested administrative matters,

(b) uncontested procedural matters,

(c) magistrate duties and functions,

(d) determining where jurisdiction of an impending claim or dispute may lie,

(e) determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum,

(f) mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or

(g) any other matters where *ex parte* communications are contemplated or authorized by law.

THE AFOREMENTIONED TWENTY-TWO (22) STANDING ORDERS ARE AMENDED, ENTERED, SIGNED AND ORDERED ON THIS 6 DAY OF June, 2017.

MIKE MERKEL, JUSTICE OF THE PEACE 3-1
BRAZORIA COUNTY, TEXAS

Effective: 07/06/2017