

Affidavits and Declarations (Civil) Research Guide

Overview

This research guide includes information and resources on some of the most common affidavits and declarations related to civil law. Both affidavits and declarations are types of sworn statements. An affidavit is “a voluntary declaration of facts written down and sworn to by a declarant, usually before an officer authorized to administer oaths,” like a notary. A declaration is “a formal statement, proclamation, or announcement, especially one embodied in an instrument.” (*Black Law Dictionary, 11th ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Civil Practice and Remedies Code

- Ch. 13 Affidavit of Inability to Pay Costs
<https://statutes.capitol.texas.gov/Docs/CP/html/CP.13.htm>
- §18.001-18.002 Affidavit Concerning Cost and Necessity of Services; Form of Affidavit
<https://statutes.capitol.texas.gov/Docs/CP/html/CP.18.htm#A>
- Ch. 132 Unsworn Declarations
<https://statutes.capitol.texas.gov/Docs/CP/html/CP.132.htm>

Texas Rules of Civil Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 14 Affidavit by Agent

Texas Rules of Evidence

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 902(10) Business Records Accompanied by Affidavit

Secondary Resources in Print

O'Connor's Texas Civil Forms REF KFT 1735 .A6503

- Ch. 1 General Trial Forms
 - Signature Block
 - Form 1B:7 Verification
 - Form 1B:8 Affidavit
 - Form 1B:9 Unsworn Declaration
 - Attorney
 - Form 1H:14 Affidavit for Attorney Fees
- Ch. 2 Plaintiff's Lawsuit
 - Plaintiff's Original Petition
 - Form 2B:4 Affidavit – Suit on Sworn Account
 - Indigent Party
 - Form 2J:2 Inmate's Declaration - Previous Filings
 - Form 2J:3 Inmate's Declaration - Grievance System Claim
- Ch. 3 Defendant's Pleadings
 - DTPA Offer of Settlement
 - Form 3A:5 DTPA Affidavit Certifying Rejection of Settlement Offer
 - Defendant's Answer
 - Form 3E:4 Affidavit Denying Sworn Account
- Ch. 5 Pretrial Motions
 - Continuance
 - Form 5D:4 Affidavit for Continuance

- Ch. 6 Discovery
 - Discovery Motions
 - Form 6A:15 Affidavit – Work Product Privilege
 - Form 6A:16 Affidavit – Attorney Client Privilege
 - Form 6A:17 Affidavit- Undue Burden
 - Form 6A:18 Affidavit – Apex Deposition
- Ch. 7 Disposition Without Trial
 - Default Judgment
 - Form 7A:3 Servicemember’s Affidavit
 - Form 7A:4 Affidavit for Damages
 - Form 7A:5 Affidavit to Prove Notice
 - Summary Judgement- General
 - Form 7B:3 Affidavit to Reset for Inadequate Notice of SJ Hearing
 - Form 7B:6 Affidavit for Continuance of SJ Hearing
 - Offer of Settlement
 - Form 7H:1 Declaration Invoking Offer of Settlement
- Ch. 8 The Trial
 - Offering Evidence
 - Form 8C:2 Affidavit by Custodian of Business Records
 - Form 8C:3 Affidavit of Cost of Services by Provider
 - Form 8C:4 Affidavit of Cost of Services by Custodian
 - Form 8C:5 Affidavit of Cost of Services-Medical Records
 - Form 8C-6 Counter Affidavit to cost of Services Affidavit
 - Formal Bill of Exception
 - Form 8E:3 Bill of Exception – Affidavit for Bystander’s Bill
- Ch. 10 Post-Judgment Motions
 - Extend Post Judgment Deadlines
 - Form 10G:2 Motion to extend Post-judgment Deadlines - Party’s Affidavit
 - Form 10G:3 Motion to Extend Post-judgment Deadlines - Attorney’s Affidavit

O’Connor’s Texas Civil Appeals REF KFT 1755 .03

- Ch. 1 Preliminary Issues
 - Verification
 - Form 1D:8 Affidavit
 - Form 1D:9 Unsworn Declaration
 - Form 1D:11 Jurat Unsworn Declaration
- Ch. 2 Appealing as an Indigent Party
 - Appealing as an Indigent Party
 - Form 2:A7 Inmate’s Declaration-Previous Filings
 - Form 2A:8 Inmate’s Declaration-Grievance System Claim
- Ch. 3 Motions on Appeal
 - Motion for Additional time to File Documents
 - Form 3L:2 Additional Time to File Documents - Party’s Affidavit
 - Form 3L:3 Additional Time to File Documents - Attorney’s Affidavit
- Ch. 10 Original Proceedings
 - Procedure for Original Writ
 - Form 10A:11 Original Proceedings - Affidavit of No Evidence

CLE Materials

Advanced Civil Appellate Practice Course KFT 1755 .A75S7

- 2020 Ch. 18, Section 3. f. Certain complaints about affidavits in, and other aspects of, summary judgment practice, p. 17
- 2020 Ch. 23 The Five W’s of Chapter 18 Affidavits: Percolating Issues under Ch. 18

Advanced Consumer & Commercial Law (PDF Only)

- 2021Ch. 8 Testiliars and Laughadavits: Requisites of Admissible Business Records Affidavits in Debt Cases

Oil, Gas & Mineral Title Examination KFT 1458 .L4 044

- 2020 Ch. 21, Mineral Liens, Section III. The Property Code Affidavit of Lien and the Doctrine of Substantial Compliance

Online Resources

Affidavit of Proof of Identity/Affidavit of Age and Identity (Tarrant County Clerk Forms)

<https://www.tarrantcountytx.gov/en/county-clerk/forms.html>

General Affidavits (Texas Law Help)

<https://texaslawhelp.org/article/general-affidavit>

Unsworn Declarations (Texas Law Help)

<https://texaslawhelp.org/article/unsworn-declaration-information-instructions-and-forms>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)