

Bart Greenway
JUSTICE OF THE PEACE
ERATH COUNTY, PRECINCT 2

REPAIR & REMEDY CLAIMS

REPAIR & REMEDY CLAIMS CASE: A repair and remedy case is a lawsuit brought to seek judicial remedy for the alleged failure of a landlord to remedy or repair a condition as required by Chapter 92 of the Texas Property Code. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Repair and Remedy cases are governed by Rules 500-507 and 509 of Part V of the Rules of Civil Procedure. To the extent of any conflict between Rule 509 and the rest of Part V, Rule 509 applies.

IMPORTANT NOTICE:

APPROPRIATE COURTROOM ATTIRE IS REQUIRED. All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

Erath County Dublin Annex, 219 South Grafton, Dublin, TX 76446

(254) 445-2766 – civil clerk

(254) 445-4155 – fax

<http://co.erath.tx.us/jpcourtdublin.html>

Cause No. _____

Tenant: _____

In the Justice Court

Vs.

Precinct 2 Place 1

Landlord: _____

Erath County, Texas

PETITION FOR RELIEF UNDER SECTION 92.0563 OF THE TEXAS PROPERTY CODE

- 1. **COMPLAINT:** Tenant files this petition against the above-named Landlord pursuant to Section 92.0563 of the Texas Property Code because there is a condition in Tenant's residential rental property that would materially affect the health or safety of an ordinary tenant.

 Street Address Unit No. (if any) City County State Zip

Landlord's Contact Information (to the extent known):

 Business Street Address Unit No. (if any) City County State Zip Phone Number

- 2. **SERVICE OF CITATION:** Check the box next to each statement that is true.
 - Tenant received in writing Landlord's name and business street address.
 - Tenant received in writing the name and business street address of Landlord's management company.
 - The name of Landlord's management company is _____. To Tenant's knowledge, this is the management company's contact information:

 Business Street Address Unit No. (if any) City County State Zip Phone Number
 - The name of the Landlord's on-premise manager is _____. To Tenant's knowledge, this is the on-premise manager's contact information:

 Business Street Address Unit No. (if any) City County State Zip Phone Number
 - The name of the Landlord's rent collector serving the residential rental property is _____. To Tenant's knowledge, this is the rent collector's contact information:

 Business Street Address Unit No. (if any) City County State Zip Phone Number

- 3. **LEASE AND NOTICE:** Check the box next to each statement that is true.
 - ___ The lease is oral. ___ The lease is in writing. ___ The lease requires the notice to repair or remedy a condition to be in writing. ___ Tenant gave written notice to repair or remedy the condition on _____.
 - ___ The written notice to repair or remedy the condition was sent by certified mail, return receipt registered, or registered mail on _____. ___ Tenant gave oral notice to repair or remedy the condition on _____.
 - ___ Name of person(s) to whom notice was given: _____
 - ___ Place where notice was given: _____

- 4. **RENT:** At the time Tenant gave notice to repair or remedy the condition, Tenant's rent was: ___ current (no rent owed), ___ not current but Tenant offered to pay the rent owed and Landlord did not accept it, or ___ not current and Tenant did not offer to pay the rent owed. Tenant's rent is due on the _____ day of the (month) (week) _____ (specify any other rent-payment period). The rent is \$_____ per (month) (week) _____ (specify any other rent-payment period). Tenant's rent (check one): ___ is not subsidized by the government ___ is subsidized by the government as follows, if known: \$_____ paid by the government, and \$_____ paid by Tenant.

- 5. **PROPERTY CONDITION:** Describe the property condition materially affecting the physical health or safety of an ordinary tenant that Tenant seeks to have repaired or remedied:

- 6. **RELIEF REQUESTED:** Tenant requests the following relief: ___ a court order to repair or remedy the condition, ___ a court order reducing Tenant's rent (in the amount of \$_____ to begin on _____), ___ actual damages in the amount of \$_____, ___ a civil penalty of one month's rent plus \$500, ___ attorney's fees, and ___ court costs. Tenant states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

Tenant Signature: _____

Date: _____

 Street Address Unit No. (if any)

Phone Number

 City State Zip

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. _____ § In the Justice Court of
Plaintiff : _____ §
vs. _____ § Erath County, Texas
Defendant: _____ § Precinct 2, Place 1

BEFORE ME, on this day personally appeared, _____,
who, under penalty of perjury, stated that the following facts are true:

I am the Plaintiff attorney of record for the Plaintiff in this proceeding.

_____, Defendant, **is not** in military service.

_____, Defendant, **is** in military service.

I know this because _____

I am unable to determine whether or not the Defendant is in military service.

Signed on _____

Signature

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail Address: _____

THE STATE OF TEXAS §

COUNTY OF ERATH §

SWORN TO AND SUBSCRIBED BEFORE ME on _____

Clerk of the Court

or

Notary Public, State of Texas

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

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

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>

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

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