

JUSTICE OF THE PEACE, PCT. 3  
509 N. UNION ST.  
WHITESBORO, TX. 76273

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# JUSTICE COURT CIVIL CASE

## FOR REPAIR AND REMEDY

Limit of the Court is \$10,000.00

TEXAS RULES OF CIVIL PROCEDURE

RULES 500-507 AND 509 PART V

THE JUDGE CANNOT DISCUSS THIS CASE WITH YOU PRIOR TO THE HEARING. IF YOU  
HAVE ANY LEGAL QUESTIONS, YOU MUST CONSULT AN ATTORNEY

**[WWW.TexasLawHelp.org](http://WWW.TexasLawHelp.org)**

**[texasbar.com](http://texasbar.com)**

**FOR THE PUBLIC**

DOCKET NO. \_\_\_\_\_

**NON-MILITARY AFFIDAVIT**

Service Member's Civil Relief Act

Plaintiff being duly sworn on oath deposes\* and says that Defendant(s) is (are)

(CHECK ONE)

- Not in the Military
- Not on active duty in the Military Service
- Not in a Foreign Country on Military Service
- On active Military Duty and/or is subject to the Service Members Civil Relief Act of 2003
- Has waived his/her rights under the Service Members Civil Act of 2003
- Military status is unknown at this time

\_\_\_\_\_  
Plaintiff

Signed and sworn before me this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE/CLERK/NOTARY

**\*Penalty for making or using false affidavit – a person who makes or uses or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.**

<https://www.dmdc.osd.mil/appj/scra/scraHome.do>

Cause No. \_\_\_\_\_

Tenant: \_\_\_\_\_  
V.  
Landlord: \_\_\_\_\_

In the Justice Court  
Precinct \_\_\_\_\_ Place \_\_\_\_\_  
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.  
Information Regarding Residential Rental Property:

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 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 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 requested, 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 \_\_\_\_\_

# JUSTICE COURT CIVIL CASE INFORMATION SHEET

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)

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.

1. Contact information for person completing case information sheet	2. Names of parties in case:
<p><b>Name:</b> _____ <b>Telephone:</b> _____</p> <p>_____</p> <p><b>Address:</b> _____ <b>Fax:</b> _____</p> <p>_____</p> <p><b>City/State/Zip:</b> _____ <b>State Bar No:</b> _____</p> <p>_____</p> <p><b>Email:</b> _____</p> <p>_____</p> <p><b>Signature:</b> _____</p> <p>_____</p>	<p><b>Plaintiff(s):</b></p> <p>_____</p> <p>_____</p> <p><b>Defendant(s):</b></p> <p>_____</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):**

<input type="checkbox"/> <b>Debt Claim:</b> 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 in damages, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> 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, including cost and attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> 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.	<input type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, or personal property. The claim can be for no more than \$10,000 excluding statutory interest and court costs but including attorney fees, if any.