



**B. WAYNE HAYES  
JUSTICE OF THE PEACE  
PRECINCT ONE**

# **REPAIR AND REMEDY**

- **REPAIR AND REMEDY CASE:** 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.

**Courthouse N.E. Annex, 1020 E. Hwy 199, Springtown, TX 76082  
(682) 229-2107 – civil clerk (817) 220-2000 fax**

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

Tenant: \_\_\_\_\_ § In the Justice Court

Vs. \_\_\_\_\_ § Precinct One

Landlord: \_\_\_\_\_ § Parker 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 Tenants 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 Tenants knowledge, this is the on-premises 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 property is \_\_\_\_\_  
\_\_\_\_\_. To Tenants knowledge, this is the rent collectors 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/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, returned receipt requested, or registered mail on \_\_\_\_\_.
- Tenant gave oral notice to repair or remedy the condition on \_\_\_\_\_. Name of person(s) to who notice was given \_\_\_\_\_. Place where notice was given: \_\_\_\_\_

4. **RENT:** At the time tenant gave notice to repair or remedy the condition, tenants rent was:

- Current (no rent owed)
- Not current but tenant offered to pay the rent owed and the 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 \$\_\_\_\_\_ 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 the 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:

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6. **RELIEF REQUESTED:** Tenant requests the following relief:

- A court of 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 cost.

Tenant states that the total relief requested does not exceed \$10,000, excluding interest and court cost but including attorney's fees.

**Tenant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Street Address                      Unit No. (if any)**

\_\_\_\_\_  
**City                                      State                                      Zip**

\_\_\_\_\_  
**Daytime phone number**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of the Court/ Notary Public

# 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)

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:										
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Name: _____</td> <td style="width: 50%; border: none;">Telephone: _____</td> </tr> <tr> <td style="border: none;">Address: _____</td> <td style="border: none;">Fax: _____</td> </tr> <tr> <td style="border: none;">City/State/Zip: _____</td> <td style="border: none;">State Bar No: _____</td> </tr> <tr> <td colspan="2" style="border: none;">Email: _____</td> </tr> <tr> <td colspan="2" style="border: none;">Signature: _____</td> </tr> </table>	Name: _____	Telephone: _____	Address: _____	Fax: _____	City/State/Zip: _____	State Bar No: _____	Email: _____		Signature: _____		Plaintiff(s): _____ _____ Defendant(s): _____ _____ _____ [Attach additional page as necessary to list all parties]
Name: _____	Telephone: _____										
Address: _____	Fax: _____										
City/State/Zip: _____	State Bar No: _____										
Email: _____											
Signature: _____											

3. Indicate case type, or identify the most important issue in the case (select only 1):	
<p>___ <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, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p>___ <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, Excluding statutory interest and court costs but including attorney fees, if any.</p>
<p>___ <b>Repair and Remedy:</b> 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>___ <b>Small Claims:</b> 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>

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
VS	§	PRECINCT ONE
_____	§	PARKER COUNTY, TEXAS

**AFFIDAVIT OF MILITARY STATUS OF DEFENDANT**

Before me, the undersigned clerk of the justice court or notary public, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury stated the following:

My name is **[please print]** \_\_\_\_\_; I am **[check one]** \_\_\_\_\_ the plaintiff or \_\_\_\_\_ an authorized agent or \_\_\_\_\_ attorney for the plaintiff in the above styled and numbered cause. I am over the age of 18 and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

***[check below as applicable]***

- The defendant is not in the military
- The defendant is not on active duty in the military and/or
- The defendant is not in a foreign country on military service
- The defendant is on active military duty and/or is subject to the Service member Civil Relief Act of 2003.
- The defendant has waived his/her rights under the Service member Civil Relief Act of 2003.
- The defendant's military status is unknown at this time.

\_\_\_\_\_  
Signature of Plaintiff/Agent/Attorney

Subscribed and sworn to before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Court Clerk/Notary Public