



# DUSTY VINSON JUSTICE OF THE PEACE PRECINCT THREE

## 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.

### IMPORTANT NOTICE:

**APPROPRIATE COURTROOM ATTIRE IS REQUIRED.** All persons entering the courtroom should be dressed in clothing befitting the dignity and solemnity of the court proceedings. No shorts, tank tops, flip flops, hats, etc. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

Courthouse Annex, 1112 Santa Fe Drive, Weatherford, TX 76086  
(817) 598-6086 – civil (817) 598-6112 - fax

**Tenant's Petition for Relief "Suit to Enforce Landlord's Duty to Repair or Remedy a Condition"**  
 (T.R.C.P. Rule 737.2); Tex. Prop. C. § 92.0563

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

|                     |   |                      |
|---------------------|---|----------------------|
| Petitioner, Tenant  | § | IN THE JUSTICE COURT |
| V.                  | § | PRECINCT THREE       |
| Defendant, Landlord | § | PARKER COUNTY, TX    |

PETITION FOR RELIEF AND ENFORCEMENT OF LANDLORD'S DUTY TO REPAIR RESIDENTIAL PROPERTY

**COMPLAINT:**

On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Tenant files this Petition against the above-named Landlord pursuant to Section 92.0563, Texas Property Code because there is a condition in Tenant's residential property that would materially affect the health or safety of an ordinary tenant.

**Description of Residential Property:**

|                |                   |      |        |       |          |
|----------------|-------------------|------|--------|-------|----------|
| Street address | Unit No. (if any) | City | County | State | ZIP Code |
|----------------|-------------------|------|--------|-------|----------|

**Landlord's Address for Service of Citation:**

|                  |                   |      |        |       |          |
|------------------|-------------------|------|--------|-------|----------|
| Bus. Street add. | Unit No. (if any) | City | County | State | ZIP Code |
|------------------|-------------------|------|--------|-------|----------|

**SERVICE OF CITATION:** (Check each statement that is true)

Tenant received in writing Landlord's name and business street address, where Landlord may be served as shown above.

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:

|                     |                   |      |        |       |          |
|---------------------|-------------------|------|--------|-------|----------|
| Bus. Street address | Unit No. (if any) | City | County | State | ZIP Code |
|---------------------|-------------------|------|--------|-------|----------|

The name of Landlord's on-premise manager is \_\_\_\_\_. To Tenant's knowledge, this is the on-premise manager's contact information:

|                     |                   |      |        |       |          |
|---------------------|-------------------|------|--------|-------|----------|
| Bus. Street address | Unit No. (if any) | City | County | State | ZIP Code |
|---------------------|-------------------|------|--------|-------|----------|

The name of Landlord's rent collector is \_\_\_\_\_. To Tenant's knowledge, this is the rent collector's contact information:

|                     |                   |      |        |       |          |
|---------------------|-------------------|------|--------|-------|----------|
| Bus. Street address | Unit No. (if any) | City | County | State | ZIP Code |
|---------------------|-------------------|------|--------|-------|----------|

**LEASE AND NOTICE:** (Check 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 \_\_\_\_\_, 20\_\_\_\_.  
 The written notice to repair or remedy the condition was sent by certified mail, return receipt requested, or registered mail on \_\_\_\_\_, 20 \_\_\_\_.

The tenant gave oral notice to repair or remedy the condition on \_\_\_\_\_, 20\_\_\_\_.

Name of the person(s) to whom oral notice was given: \_\_\_\_\_.

Place where oral notice was given: \_\_\_\_\_.

**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 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 other rent payment period). The rent is \$ \_\_\_\_\_ per  month  week  \_\_\_\_\_ (specify 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.

**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:

\_\_\_\_\_  
\_\_\_\_\_

**RELIEF REQUESTED:** (check all that apply)

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 \_\_\_\_\_, 20\_\_\_\_);
- 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 does not exceed \$10,000, excluding interest and court costs, but including attorney's fees.

Tenant's Signature: \_\_\_\_\_

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

Street address

Unit No. (if any)

Phone Number

City

State

ZIP Code

# 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.

| <b>1. Contact information for person completing case information sheet:</b>  | <b>2. Names of parties in case:</b> |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
|--|-------------------------------------|------------------|----------------|------------|-----------------------|---------------------|--------------|--|------------------|--|--|---------------------------------|---|---|
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Name: _____</td> <td style="width: 50%; padding: 5px;">Telephone: _____</td> </tr> <tr> <td style="padding: 5px;">Address: _____</td> <td style="padding: 5px;">Fax: _____</td> </tr> <tr> <td style="padding: 5px;">City/State/Zip: _____</td> <td style="padding: 5px;">State Bar No: _____</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Email: _____</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Signature: _____</td> </tr> </table> | Name: _____                         | Telephone: _____ | Address: _____ | Fax: _____ | City/State/Zip: _____ | State Bar No: _____ | Email: _____ |  | Signature: _____ |  | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Plaintiff(s):<br/>_____<br/>_____</td> </tr> <tr> <td style="padding: 5px;">Defendant(s):<br/>_____<br/>_____<br/>_____<br/>_____</td> </tr> <tr> <td style="padding: 5px; text-align: center;">[Attach additional page as necessary to list all parties]</td> </tr> </table> | Plaintiff(s):<br>_____<br>_____ | Defendant(s):<br>_____<br>_____<br>_____<br>_____ | [Attach additional page as necessary to list all parties] |
| Name: _____  | Telephone: _____                    |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| Address: _____   | Fax: _____                          |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| City/State/Zip: _____  | State Bar No: _____                 |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| Email: _____   |                                     |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| Signature: _____   |                                     |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| Plaintiff(s):<br>_____<br>_____  |                                     |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| Defendant(s):<br>_____<br>_____<br>_____<br>_____  |                                     |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |
| [Attach additional page as necessary to list all parties]  |                                     |                  |                |            |                       |                     |              |  |                  |  |  |                                 |   |   |

| <b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>   |  |
|---|--|
| <p><u>      </u> <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><u>      </u> <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><u>      </u> <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><u>      </u> <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. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

§ IN THE JUSTICE COURT

VS

§ PRECINCT THREE

\_\_\_\_\_  
Defendant

§ 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 \_\_\_\_\_ and 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 Servicemembers Civil Relief Act of 2003.
- The defendant has waived his/her rights under the Servicemembers 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

**PENALTY FOR MAKING OR USING FALSE AFFIDAVIT: A person who makes 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.**