



The COUNTY OF STEPHENS

STEPHENS COUNTY COURTHOUSE

Breckenridge, Texas 76424

Repair and Remedy Petition Packet

Judge Steve Spoon

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 \$20,000, 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 reasonable 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.

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.

<p>1. Contact Information for person completing Case information sheet.</p> <p>Name: _____</p> <p>Phone #: _____ Fax #: _____</p> <p>Address: _____</p> <p>City/State/Zip _____</p> <p>State Bar # _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in this case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>(Attach additional pages as necessary to list all parties)</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1)</p>	
<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 \$20,000, 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 of the amount of rent due and unpaid is not more than \$20,000, 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 \$20,000, 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

CAUSE NO. _____

VS

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IN THE JUSTICE COURT
PRECINCT ONE
STEPHENS 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 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

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.

Cause No. _____

Tenant: _____

Vs.

Landlord: _____

In the Justice Court
Precinct One
Stephens 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 whom 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 \$ _____ per month week or other (Specify)
- Tenant's rent (check one): s 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:

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 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 Addresss Unit No. (if any)

Phone Number

City State Zip