

CAUSE NO (Court Use Only): _____

Plaintiff(s)

(Tenant): _____

Address: _____

City State Zip Phone

VS.

Defendant(s)

(Landlord): _____

Address: _____

City State Zip Phone

IN THE JUSTICE COURT

JUSTICE OF THE PEACE
PRECINCT _____

HARDIN 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 State Zip

- 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 State Zip Phone

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 State Zip Phone

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 State Zip Phone

- 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 to _____ on _____. 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). 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 _____

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: _____

_____, **PLAINTIFF** § **IN THE JUSTICE COURT**
VS. § **PRECINCT _____**
_____, **DEFENDANT** § **HARDIN COUNTY, TEXAS**

My name is [please print] _____.

I am [check one] the plaintiff or an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows: _____

2. Defendant [insert name(s)] _____ is on active duty in the U.S. military.

3. Defendant [insert name(s)] _____ has been deployed by the U.S. military to a foreign country.

4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military – except for any defendant named in 2 above.

5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country – except for any defendant named in 3 above.

6. Defendant [insert name(s)] _____ has signed, while on active duty, a **separate written waiver** of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

Affiant

Sworn to and subscribed before me on this the ____ day of _____, 20____.

(Judge) (Clerk)
Justice Court, Precinct _____
Hardin County, Texas

Notary Public in and for the State of Texas