

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

TENANT: \_\_\_\_\_  
VS  
LANDLORD: \_\_\_\_\_

IN THE JUSTICE COURT PRECINCT 1  
GUADALUPE COUNTY TX

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
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Landlord’s Contact Information (to the extent known):

Business Street Address	Unit No. (if any)	City	County	State	Zip	Phone Number
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2. SERVICE OF CITATION: Check 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
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- ( ) The name of Landlord’s on-premises 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
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- ( ) 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
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3. 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 \_\_\_\_\_. ( ) 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 any 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 \$500.00, ( ) attorney’s fees, and ( ) court costs. Tenant states that the total relief requested does not exceed \$10,000.00, excluding interest and court costs but including attorney’s fees.

Tenant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_

**Instructions:** The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

## Military Status Affidavit

Case No. \_\_\_\_\_ § In the Justice Court of  
\_\_\_\_\_ § "Guadalupe County, Texas  
Plaintiff §  
vs. §  
\_\_\_\_\_ § Precinct \_\_\_\_\_, Place \_\_\_\_\_  
Defendant §

BEFORE ME, on this day personally appeared" \_\_\_\_\_,  
who, under penalty of perjury, stated that the following facts are true:

I am the  Plaintiff  attorney of record for the Plaintiff in this proceeding.

\_\_\_\_\_, Defendant, **is not** in military service.

\_\_\_\_\_, Defendant, **is** in military service.

I know this. because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I am unable to determine whether or not the Defendant is in military service.

Signed on \_\_\_\_\_

\_\_\_\_\_  
*Signature*  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas