

CAUSE NO. _____

TENANT: _____
VS
LANDLORD: _____

IN THE JUSTICE COURT PRECINCT 4
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.: _____

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 that

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
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<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 \$10,000, 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 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><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 \$10,000, 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

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: _____

THE STATE OF TEXAS "§

COUNTY OF GUADALUPE §

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

Clerk of the Court

NOTARY PUBLIC, State of Texas