

**IN THE JUSTICE COURT, PCT. 1
WOOD COUNTY, TEXAS**

PETITION FOR RELIEF UNDER SECTION 92.0563 OF THE TEXAS PROPERTY CODE

Cause No. _____

Tenant: _____

vs

Landlord: _____

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 # if any City County State Zip

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

Business Street Address Unit # if any City County 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 the Landlord's management company is _____. To Tenant's knowledge, this is the management company's contact information:

Business Street Address Unit # if any City County State Zip Phone Number

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

Business Street Address Unit # if any City County State Zip Phone Number

- The name of the 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 # 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 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 an ordinary tenant that Tenant seeks to have repaired or remedied: _____

6. **RELIEF REQUESTED:** Tenant request 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, excluding interest and court costs but including attorney's fees.

 Tenant Signature:

 Date:

 Street Address Unit No. (if any)

 Phone Number

 City State Zip

Repair & Remedy

*** PLEASE READ BEFORE YOU BEGIN ***

Rules of Judicial Ethics **PROHIBIT** this office:

1. From giving legal advice;
2. Telling either party how to present his case;
3. Or expressing opinions of law.

The Judge and the Clerks **can** answer questions:

1. Only of a general nature;
2. About procedures of this Court;
3. Concerning court costs.

We must remain impartial, and we cannot hear any part of a case, or discuss the merits of any case, unless all parties are present.

We provide the basic petition for filing your initial case as a convenience. However, we **DO NOT** provide any other documents. You must do your own research and prepare your own documents.

PLEASE DO NOT ASK US TO VIOLATE THESE RULES.

As always, we recommend that you seek some form of sound legal advice.

YES !!! YOU MUST FILL OUT THIS FORM IF YOU WISH TO RECEIVE A DEFAULT JUDGMENT IN YOUR FAVOR!!!

CAUSE NUMBER: _____

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

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 – Pct. 3
Wood County, Texas

Notary Public in and for the State of Texas

You can find a person's military status by going to this website: <https://scra.dmdc.osd.mil/>

Penalty for making or using a false affidavit – A person who signs an affidavit, knowing it to be false, may be charged a fine as provided in Title 18 of the United States Code, or imprisoned for not more than one year, or both.

NOTICE

PROPER DRESS IN JUSTICE COURT IS REQUIRED AS FOLLOWS:

ALL Requirements pertain to both adult and juvenile males and females, unless otherwise noted.

Failure to comply may result in the reset of the case to a later date, Or in the extreme, CONTEMPT OF COURT.

SHOES ARE REQUIRED

NO SLEEVLSS SHIRTS

NO SHORTS

Women are permitted to wear dress shorts with hosiery

NO EXPOSED MIDRIFFS

NO CLOTHING DISPLAYING OFFENSIVE WORDS OR PICTURES

NO HATS

NO PAJAMAS

CLEANLINESS

The court appreciates many must come to court directly from work. If needed, washrooms are available in the building.

CHILDREN

Loud or drying children should be taken out of the courtroom.