

Case No. _____

In the Justice Court

Plaintiff(s)

Vs.

Precinct _____

Defendant(s)

Liberty 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 Address Unit No. (if any) City/County/State/Zip Phone Number

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

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/County/State/Zip Phone Number

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

3. **LEASE AND NOTICE:** Check the 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 _____ 20 _____.
 The written notice to repair or remedy the condition was sent by certified mail, returned receipt requested, or registered mail on _____ 20 _____.
 Tenant gave oral notice to repair or remedy the condition on _____ 20 _____.
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 rent is due on _____ 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 is (check one):

- is 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 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 _____ 20 ____.)

_____ Actual damages in the amount of \$ _____

_____ A civil penalty of one month's rent (\$ _____) plus \$500.00

_____ Attorney's fees

_____ Court Cost

_____ Tenant states that the total relief requested does not exceed \$10,000.00, excluding interest and court costs but including attorney's fees.

Tenant's Signature

Date

Street Address

Unit No. (if any)

Tenant's Phone Number

City/State/Zip

Justice Court Civil Case Information Sheet

Case No. (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.

1. Contact information for person completing case information sheet: Name: _____ Telephone: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No.: _____ Email: _____ Signature: _____	2. Name of parties in case: Plaintiff(s): _____ _____ Defendant(s): _____ _____ [Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):	
_____ 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 more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	_____ 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 \$20,000, excluding statutory interest and court cost but including attorney fees, if any.
_____ 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.	_____ Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, or personal property. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.

CAUSE NO. _____
(court use only)

_____	§	
_____	§	IN THE JUSTICE COURT
Plaintiff(s)	§	
VS.	§	PRECINCT ____ PLACE ____
_____	§	
_____	§	LIBERTY COUNTY, TEXAS
_____	§	

NON-MILITARY AFFIDAVIT
Service-member's Civil Relief Act

Plaintiff being duly sworn on oath deposes* and says that defendant(s) is (are)

(CHECK ONE)

- not in the military
- not on active duty in the military and/or
- not in a foreign country on military service
- on active military duty and/or is subject to the Service-member Civil Relief Act of 2003
- has waived his/her rights under the Service-members Civil Relief Act of 2003
- military status is unknown at this time

PLAINTIFF

Subscribed and sworn to before me on this the _____ day of _____, 20 _____.

NOTARY PUBLIC / CLERK OF THE COURT

***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.**