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 _____

COLLIN 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	**§**	**COLLIN 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 ____
Collin County, Texas

_____
Notary Public in and for the State of Texas

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 trial.

1. Contact information for person completing case information sheet:		**2. Names of parties in case:**
Name: _____	Telephone: _____	Plaintiff(s): _____ _____
Address: _____	Fax: _____	Defendant(s): _____ _____ _____
City/State/Zip: _____	State Bar No: _____	[Attach additional page as necessary to list all parties]
Email: _____		
Signature: _____		

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 no more than $10,000, 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 $10,000, excluding statutory interest and court costs 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 $10,000, 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, 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.