Case No._____

TENANT:_____ **IN THE JUSTICE COURT**

VS. **PRECINCT ONE**

LANDLORD:_____ **OF WISE COUNTY TEXAS**

PETITION FOR RELIEF UNDER SECTION 92.0563 OF THE TEXAS PROPERTY CODE

1. COMPLAINT: Tenant files this petition against the above-names 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 Street Address Unit No. (if any) City County State Zip Phone Number

2. SERVICE OF CITATION: Check the box next to <u>each</u> 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 box next to <u>each</u> 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). Tenant's rent (check one): ☐ is not subsidized by the government ☐ is subsidized by the government as follow, if known: $_____ paid by the government, and $ _____ paid by Tenant.

5. PROPERTY CONDITION: Describer 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: _____

_____	§	**IN THE JUSTICE COURT**
VS.	§	**PRECINCT ONE**
_____	§	**WISE 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 the U.S. military – except for any defendant names 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 names(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 1 Notary Public in and for the State of Texas
Wise County, Texas