

REPAIR AND REMEDY

EFFECTIVE 09/01/2013

The Rules for Civil Procedure have changed and fees have increased. The cost to file a Civil case is \$41.00 (filing fee) + \$90.00(service fee) per person to be served. Please see fee schedule. **We accept check, money order, or cash. If paying cash, please bring the exact amount.**

NOTICE

Please read over your paperwork carefully.

If you fail to provide ALL of the information required, your case may be dismissed

- The Judge and Clerks are prohibited from providing legal advice or assisting in filling out forms.
- A copy of the New Rules for Civil Procedure and the Texas Property Code are provided in our office for your review. You may also access these documents on our website.
- You must provide the court with the original, a copy for your records, and 1 copy per defendant (if 2 defendants will be served, then you must provide a copy for each of them) of all documents filed with the court.
- You cannot discuss your case with the Judge outside of the hearing.
- We accept filings Monday thru Friday from 8:00 am to 4:00 pm
- We do NOT serve Out of County Citations. Please notify the clerk so you are not charged for service on an Out of County Citation.
- If your suit is settled out of court and you no longer wish to come to your hearing, please file it in writing with the Court. You may use the form for Non Suit located on our website if you wish.

	<u>Court Fees</u>		<u>Constable Fees</u>
Filing of Petition	\$ 41.00	Service of Citation	\$ 90.00/per Defendant Served

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: _____	_____	
Email: _____		_____	
Signature: _____		[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):			
<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.		<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.	
<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.		<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.	

Repair and Remedy Case Packet

You may file Repair and Remedy Cases Monday thru Friday from 8:00 a.m. to 4:00 p.m. Beginning August 31, 2013, the cost to file is \$41.00 and \$90.00 per person being served.

Cause No. _____

Tenant: _____

V.

Landlord: _____

In the Justice Court Precinct One
Angelina 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 Street Address Unit No. (if any) City County State Zip Phone Number

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 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 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 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

NOTICE

The Soldiers' and Sailors' Civil Relief Act of 1940 and renamed Service members Civil Relief Act as codified at 50 U.S.C. App. et.seq. and recently amended and passed by the 108th Congress last year requires that in any civil case in which the defendant does not make an appearance, and before entering judgment for the plaintiff, the court must require the plaintiff to file an affidavit that:

- (a) states whether or not the defendant is on active duty in military services and show necessary facts to support the affidavit; or
- (b) If the plaintiff is unable to determine whether or not the defendant is on active duty in military services, states that the plaintiff is unable to determine whether or not the defendant is in military services.

Only if the affidavits establish that the defendant is not an active service member can the court proceed with a default judgment in the normal fashion.

NOTICE:

The nonmilitary affidavit must be filed at the time of filing of all evictions and civil suits.

SERVICEMEMBER'S CIVIL RELIEF ACT

Military Status Affidavit

CASE NO. _____

Defendant Name: _____

**AFFIDAVIT
50 USC Sec. 520**

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 Servicemembers Civil Relief Act of 2003
- has waived his/her rights under the Servicemembers Civil Act of 2003
- military status is unknown at this time

PLAINTIFF

Subscribed and sworn to before me no this the _____ day of _____, 20__.

NOTARY / CLERK

Notary Public in and for the State of Texas

Clerk of the Justice Court

SEAL

***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.**

Cause No. _____

_____	§	IN THE JUSTICE COURT
Plaintiff(s)	§	
Vs.	§	PRECINCT ONE
_____	§	
Defendant(s)	§	ANGELINA COUNTY, TEXAS

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

I, _____, the undersigned, does hereby certify that the last known address of the Defendant(s) is as follows:

Name: _____
Street Address: _____
City, State, Zip _____

Certified to by,

Print Name

Signature Date

The New Rules for Civil Procedure and the Texas Property Code are kept for your viewing during normal business hours. Please check with the clerk.

Helpful Resources

Angelina County – www.angelinacounty.net

Department of Defense Official Servicemembers Civil Relief Act (SCRA) Website - www.dmdc.osd.mil

Texas Constitution and Statutes: www.statutes.legis.state.tx.us

This site provides complete access to all Texas Codes

Texas Secretary of State: <http://www.sos.state.tx.us/corp/publicinfo.shtml>

Texas Supreme Court: www.supreme.courts.state.tx.us

This site provides access to the complete Rules of Civil Procedure and Rules of Evidence

Texas Legislature Online: www.legis.state.tx.us

This site allows the user to track past and pending House and Senate Bills

Kurth Memorial Library: www.kurthmemoriallibrary.com

Address: 706 S. Raquet St. .. Lufkin, TX 75904 -- Phone: 936-630-0560

Kurth Memorial Library is open 10am to 7pm on Mondays, 9am to 6pm Tuesday through Thursday, 9am to 5:30 on Friday, and 9am to 1pm on Saturdays.

Call The State Bar of Texas Toll-Free at 1-877-9TEXBAR if you need help locating an attorney, you may be eligible for free or low-cost legal assistance.

Lone Star Legal Aid Library – 800-354-1889

414 East Pillar St. – Nacogdoches, TX 75961-5511