

REPAIR AND REMEDY (In Justice Court)

NOTICE

Read over your paperwork carefully and complete all forms included in the packet. If you fail to provide ALL of the information required, the case may be dismissed. It is best to have an Attorney, but if you choose to represent yourself, you are responsible for your case.

Refer to the Self Help Resources for assistance.

- The Judge and Clerks are prohibited from providing legal advice or assisting in filling out forms.
- Please refer to www.AngelinaCounty.net to access the County Maps link to determine the precinct/office you should file in and that office's hours of operation, hours they accept civil filings, and the methods of payment accepted.
- If you are a Pro Se Litigant (Not represented by an Attorney), it is your responsibility to be familiar with the laws that govern Repair and Remedy Suits. A copy of the **Texas Rules for Civil Procedure (Sec. 509 covers Repair and Remedy)** is provided in our office for your review during normal business hours. You may also access the links on our website www.AngelinaCounty.net under Justice of the Peace, Civil Court page. **The Court CANNOT assist you with your case. Utilize the resources provided.**
- Forms are located on our website under Justice of the Peace, Civil Court Forms. You **must** provide the court with 1 original, 1 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 the petition and all documents supporting the petition.
- The Judge cannot discuss your case outside of the hearing. **Make sure you bring all evidence supporting your case to the hearing.**
- The Constable does NOT serve Out of County Citations. Please notify the clerk if the Party you are suing will not be served in Angelina County.
- 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.

Court Fees:

Filing of Petition \$ 46.00

Abstract of Judgment \$ 5.00

Constable Fees

Service of Citation \$ 90.00 per defendant

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: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No: _____ Email: _____ Signature: _____	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):		
<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 September 1, 2017, the cost to file is \$46.00 and \$90.00 per person being served.

Cause No. _____

Tenant: _____

In the Justice Court Precinct _____ Angelina County, Texas

V.

Landlord: _____

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

Cause No. _____

_____	§	IN THE JUSTICE COURT
Plaintiff(s)	§	
Vs.	§	PRECINCT _____
_____	§	
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

Case No: _____
(Print court information exactly as it appears on your Petition)

Justice Court Precinct _____
Angelina County, Texas

Military Status Affidavit

State of Texas, County of _____
(Print the name of county where this Affidavit is notarized)

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

1. "My name is: _____
First Middle Last
2. "The Respondent's name is: _____
First Middle Last
3. "I am the Petitioner in this case. I am an adult and of sound mind. I have personal knowledge of the facts stated in this affidavit. "The facts stated in this affidavit are true and correct.

(Check all boxes that apply)


"I know that the Respondent is **not** in the military because I asked the U.S. Department of Defense to check their Defense Manpower Data Center (DMDC) database. DMDC notified me that the Respondent is not on active duty in any of the armed forces.

"I attached a true copy of the DMDC verification. (If you check this box, you **must** attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>.)

"I know that the Respondent is **not** now in the military because:

"I do not know if the Respondent is in the military now.

! Do not sign until you are in front of a notary !

 _____
Signature of Person Signing Affidavit Date

Notary fills out below.

State of Texas, County of _____

Sworn to and subscribed before me, the undersigned notary, on (date) _____ at _____ a.m./p.m.

by _____
(Print name of person who is signing this Affidavit, NOT the notary's name.)  _____
Notary's Signature

NOTICE OF SELF-HELP RESOURCES

The Texas Rules for Civil Procedure and the Texas Property Code are kept for your viewing during normal business hours and are available on our website at www.AngelinaCounty.net

Angelina County – www.angelinacounty.net

Department of Defense Official Servicemembers Civil Relief Act (SCRA) Website - <https://scra.dmdc.osd.mil/scra/#/home>

Texas Constitution and Statutes: www.statutes.legis.state.tx.us
This site provides complete access to all Texas Codes

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

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

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

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 or by website www.texasbar.com

Legal Services Corporation - www.lsc.gov

The State Law Library – www.sll.texas.gov

TexasLawHelp.org is a website where low-income Texans can find information about their civil legal issues and find out about free legal assistance in their area. www.TexasLawHelp.org

Texas Justice Court Training Center Self Represented Litigants: <https://www.tjctc.org/SRL.html>

The Office of Court Administration – www.TXCourts.gov

This website is funded in part by a grant from the Legal Services Corporation. It is the result of a partnership between Lone Star Legal Aide, the Texas Office of Court Administration, Texas Legal Services Center, and the Texas Access to Justice Commission. www.TexasCourtHelp.gov

Lone Star Legal Aid Library – 800-354-1889
414 East Pillar St. – Nacogdoches, TX 75961-5511

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.