

# 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](http://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](http://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 with your filing.**
- 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           \$ 54.00

### **Constable Fees**

Service of Citation           \$ 100.00 per defendant

# 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:
<p>Name: <input style="width: 80%;" type="text"/> Telephone: <input style="width: 20%;" type="text"/></p> <p>Address: <input style="width: 80%;" type="text"/> Fax: <input style="width: 20%;" type="text"/></p> <p>City/State/Zip: <input style="width: 80%;" type="text"/> State Bar No: <input style="width: 20%;" type="text"/></p> <p>Email: <input style="width: 100%;" type="text"/></p> <p>Signature: _____</p>	<p>Plaintiff(s): <input style="width: 100%; height: 40px;" type="text"/></p> <p>Defendant(s): <input style="width: 100%; height: 80px;" type="text"/></p> <p style="font-size: small; text-align: center;">[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<p><input type="checkbox"/> <b>Debt Claim:</b> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> <b>Eviction:</b> 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 costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> <b>Repair and Remedy:</b> 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.</p>	<p><input type="checkbox"/> <b>Small Claims:</b> 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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

**Effective January 1, 2022, the Civil Court Filing Fee increases to \$54.00**

CAUSE NO. \_\_\_\_\_

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	ANGELINA COUNTY, TEXAS

**PETITION: REPAIR AND REMEDY CASE**

**COMPLAINT:** Plaintiff files this petition against Defendant pursuant to Rule 509 and Texas Property Code § 92.0563, because there is a condition in Plaintiff's residential rental property that materially affects the health or safety of an ordinary tenant.

**Information Regarding Residential Rental Property:**

_____		_____	
Street Address		Unit No. <i>(if any)</i>	

_____	_____	_____	_____
City	County	State	Zip Code

**Defendant's Contact Information (to the extent known):**

_____		_____	
Street Address		Unit No. <i>(if any)</i>	

_____	_____	_____	_____
City	County	State	Zip Code

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

**SERVICE OF CITATION:** Plaintiff requests service of the citation on the Defendant and, if required, alternative service pursuant to Rule 509.4.

The following are true *(check the box next to each statement that is true)*:

- Plaintiff received in writing Defendant's name and business street address.
- Plaintiff received in writing the name and business street address of Defendant's management company.

**CONTACT INFORMATION (if known):** Plaintiff provides the following contact information to the best of their knowledge:

**Management Company's Contact Information:**

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Name

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Street Address Unit No. *(if any)*

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City County State Zip Code

Phone Number: (\_\_\_\_\_)\_\_\_\_\_

**On-Premises Manager's Contact Information:**

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Name

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Street Address Unit No. *(if any)*

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City County State Zip Code

Phone Number: (\_\_\_\_\_)\_\_\_\_\_

**Rent Collector's Contact Information:**

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Name

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Street Address Unit No. *(if any)*

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City County State Zip Code

Phone Number: (\_\_\_\_\_)\_\_\_\_\_

**PROPERTY CONDITION:** The property condition materially affecting the physical health or safety of an ordinary tenant that Plaintiff seeks to have repaired or remedied is:

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**LEASE AND NOTICE:** The following are true (*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 and remedy a condition to be in writing.
- Plaintiff gave written notice to repair or remedy the condition on \_\_\_\_\_, 20\_\_\_\_.
- Plaintiff gave a subsequent written notice to repair or remedy the condition after a reasonable time to repair or remedy the condition after giving the first notice. The subsequent written notice was given on \_\_\_\_\_, 20\_\_\_\_.
- Plaintiff gave written notice to repair or remedy the condition by certified mail, return, receipt requested, or registered mail or by another form of mail that allows tracking of delivery from the USPS or a private delivery service on \_\_\_\_\_, 20\_\_\_\_.
- Plaintiff 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: \_\_\_\_\_.

**RENT:** At the time Plaintiff gave notice to repair or remedy the condition, Plaintiff's rent was:

- current (*no rent owed*);  not current but Plaintiff offered to pay the rent and Defendant did not accept it; or  not current and Plaintiff did not offer to pay the rent owed.

Plaintiff's rent of \$ \_\_\_\_\_ is due on the \_\_\_\_ day of the  month  week  \_\_\_\_\_ (*specify any other rent-payment period*).

Plaintiff's rent:  is not subsidized by the government  is subsidized by the government as follows, if known: \$ \_\_\_\_\_ paid by the government, and \$ \_\_\_\_\_ paid by Plaintiff.

**RELIEF REQUESTED:** Plaintiff requests the following relief (*check all that apply*):

- a court order to repair or remedy the condition;
- a court order reducing Plaintiff's rent in the amount of \$ \_\_\_\_\_ to begin on \_\_\_\_\_, 20\_\_\_\_;
- actual damages in the amount of \$ \_\_\_\_\_;
- a civil penalty of one month's rent plus \$500;
- attorney's fees; and
- court costs.

**JURISDICTION:** Plaintiff states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

**TRIAL:**

- I request a jury trial. (*The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.*)
- I do not request a jury at this time.

**SERVICE BY EMAIL:** *(Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.)*

Yes, I would like to receive documents related to this case by email at this email address:

\_\_\_\_\_.

No, I do not want to receive any documents by email.

**REMOTE PARTICIPATION:**

**Hearing by Phone Call:** *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Defendant, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Defendant and understand that I must have a phone to use on the date and time of the hearing.

No, I am not able to have hearings by phone call.

**Hearing by Video Conference:** *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

No, I am not able to have hearings by video conference.

*NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

Respectfully submitted,

\_\_\_\_\_  
Signature of Plaintiff

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney, if any

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

State Bar No.: \_\_\_\_\_

\_\_\_\_\_

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



Cause Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the \_\_\_\_\_  
Court Number

- District Court
- County Court at Law
- Justice Court

\_\_\_\_\_  
County Name County, Texas

### Military Status Declaration

(Check only one)

I am signing this affidavit in front of a notary public.  
**DO NOT SIGN THIS DOCUMENT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.**

I am signing this document **under penalty of perjury** under Texas Penal Code 37.02 and 37.03—that is, I am signing it knowing that it is a crime if, with intent to deceive and with knowledge of the statement's meaning, I make a false unsworn declaration.

1. "My name is: \_\_\_\_\_  
First Middle Last

2. "I am the Petitioner in this case.

3. "I am at least 18 years old.

4. "I am of sound mind.

5. "I have personal knowledge of the facts stated in this declaration.

6. "The facts stated in this declaration are true and correct.

7. "I understand that if I make or use a military status affidavit or declaration, knowing it to be false, I may be fined, imprisoned for not more than one year, or both. See 50 U.S.C. App. Section 521(c).

8. "The Respondent's name is: \_\_\_\_\_  
First Middle Last

9. "The Respondent's military status is:

Check all boxes that describe your situation.

The Respondent is in the military now.

I know the Respondent is **not** in the military now because I searched the U.S. Department of Defense's Defense Manpower Data Center (DMDC) database. According to the results of the search of the DMDC database, Respondent is not on active duty in any of the armed forces. I have attached a true copy of the DMDC verification.

(If you check the box above, you must attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address:  
<https://scra.dmdc.osd.mil/scra/>.

I know the Respondent is **not** in the military now because: \_\_\_\_\_

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

### Signature

If you **DO NOT** have access to notary public services, sign below.

My name is \_\_\_\_\_ . My date of birth is \_\_\_\_\_ .

My address is \_\_\_\_\_  
street city state ZIP country

I declare **under penalty of perjury** that all information in this Military Status Declaration is true and correct.

Signed in \_\_\_\_\_ County, \_\_\_\_\_ (state),

on this date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month/ Day/ Year/

▶ \_\_\_\_\_  
Your Signature

**WARNING:** Under Texas Civil Practice and Remedies Code 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above. Perjury is a crime in Texas. See Texas Penal Code 37.02 and 37.03.

If you **DO** have access to notary public services, sign below—but not until you are in front of a notary public.

\_\_\_\_\_  
Petitioner's signature

### Notary fills out below

State of Texas,

County of \_\_\_\_\_  
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned Notary, on date: \_\_\_\_\_

by \_\_\_\_\_  
(Print the first and last names of the person signing this affidavit.)

I, the Notary Public, whose signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

▶ \_\_\_\_\_  
Notary's signature

# NOTICE OF SELF-HELP RESOURCES

Pursuant to Government Code § 51.808

**Forms** are located on our website at <https://www.angelinacounty.net/jp1/>  
Click on **Civil Court** or **Traffic Court** or **Landlord – Tenant Court**.

For **Case Status** and other case information, visit the Judicial Records Search at <http://public.angelinacounty.net/default.aspx> Search by your name or case/cause number.

- ❖ 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](http://www.texasbar.com)
- ❖ **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](http://www.TexasLawHelp.org)
- ❖ **Texas Justice Court Training Center** Self Represented Litigants: <https://www.tjctc.org/SRL.html>
- ❖ **Texas Court Help** is a 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](http://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](http://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.
- ❖ **Department of Defense** Official Servicemembers Civil Relief Act (SCRA) Website - <https://scra.dmdc.osd.mil/scra/#/home>

## **OTHER HELPFUL RESOURCES**

- The Office of Court Administration – [www.TXCourts.gov](http://www.TXCourts.gov)
- Texas Constitution and Statutes: [www.statutes.legis.state.tx.us](http://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](http://www.sos.state.tx.us/corp/publicinfo.shtml)
- Texas Legislature Online: [www.legis.state.tx.us](http://www.legis.state.tx.us) - This site allows the user to track past and pending House and Senate Bills
- Legal Services Corporation - [www.lsc.gov](http://www.lsc.gov)
- The State Law Library – [www.sll.texas.gov](http://www.sll.texas.gov)