

NOTICE TO LANDLORD TO REPAIR OR REMEDY CONDITION

Tenant hereby gives notice to Landlord to repair or remedy a condition that materially affects the physical health or safety of an ordinary tenant or results from Landlord's failure to provide hot water at a minimum temperature of 120 degrees.

Tenant's Name:

Residential Rental Property Address:

Street Address

Unit No. (if any)

City

County

State

Zip Code

This Notice is to be given to the person to whom or place where tenant's rent is normally paid as follows: _____

The condition that needs to be repaired or remedied is the following:

This Notice has been given as follows:

By certified mail, return receipt requested, or registered mail on ____/____/____;

By a form of mail that allows tracking of delivery (USPS or a private delivery service) on ____/____/____;

By hand delivery on _____ followed by a second written notice on ____/____/____;

By first class mail on _____ followed by a second written notice on ____/____/____;

By _____ (describe method of delivery) on ____/____/____; followed by a second written notice on ____/____/____;

At each time a Notice was given Tenant was current in the payment of rent.

Signature of Tenant



WHARTON COUNTY PRECINCT # 1, 2, 3, or 4

JUSTICE OF THE PEACE

Justice Court Filing of Precinct 1, 2, 3, or 4

The filing fee is Fifty-four Dollars (\$54.00).

In addition, there is a fee for serving the defendant which is Seventy Five Dollar(\$75.00) per defendant to be served in Wharton County, for a total of One Hundred Twenty Nine dollars(\$129.00).

*****Note*****If you are filing on a defendant that resides *outside* of Wharton County, you must contact that county for the constables service fee and address.

Wharton County Filings: To find the correct precinct of an address you are filing on within Wharton County; contact the Wharton County Election's office at: 979-532-0193

Justice Courts, Wharton County Texas

Judge Jared Cullar, Pct. 1

1017 N. Alabama Road
Wharton, Texas 77488
Phone (979) 532-3941---Fax(979) 531-0758

Judge Glenn P. Russell, Pct. 2

736 Clubside Drive
East Bernard, Texas 77435
Phone(979) 335-6210---Fax (979)335-6312

Judge Donna Wessels, Pct. 3

P.O. Box 184 (340 West North)
Louise, Texas 77455
Phone (979) 648-2363 ---Fax (979) 648-2359

Judge T.J. Drapela, Pct. 4

605 E. Calhoun St.
El Campo, Texas 77437
Phone (979) 543-4322---Fax (979) 543-1568

CAUSE NO. _____

PLAINTIFF

§ IN THE JUSTICE COURT

v.

§

§

§

PRECINCT NO. _____

§

§

DEFENDANT

§

WHARTON COUNTY, TEXAS

PETITION: REPAIR AND REMEDY CASE

COMPLAINT: Plaintiff files this petition against the above-named Defendant pursuant to Rule 509 of the Texas Rules of Civil Procedure and Section 92.0563 of the Texas Property Code because there is a condition in Plaintiff's residential rental property that would materially affect the health or safety of an ordinary Plaintiff.

Information Regarding Residential Rental Property:

Street Address Unit No. (if any) City County State Zip Code

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

Street Address Unit No. (if any) City County State Zip Code Phone No.

SERVICE OF CITATION: Plaintiff requests service of the citation on the Defendant, and if required, alternative service pursuant to Rule 509.4 of the Texas Rules of Civil Procedure. Plaintiff will 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. The name of Defendant's management company is _____. To Plaintiff's knowledge, this is the management company's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

The name of Defendant's on-premises manager is _____. To Plaintiff's knowledge, this is the on-premises manager's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

The name of Defendant's rent collector serving the residential rental property is _____. To Plaintiff's knowledge, this is the rent collector's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

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

LEASE AND NOTICE: Plaintiff will 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 _____ . The written notice to repair or remedy the condition was sent by certified mail, return, receipt requested, or registered mail on _____ . Plaintiff gave oral notice to repair or remedy the condition on _____ . 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 is due on the ____ day of the month week _____ (specify any other rent-payment period). Plaintiff's rent is \$_____ per 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 _____; actual damages in the amount of \$ _____; a civil penalty of one month's rent plus \$500; attorney's fees; and court costs. Plaintiff states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____

Plaintiff's Printed Name

Signature of Plaintiff
or Plaintiff's Attorney

Address of Plaintiff
or Plaintiff's Attorney

City State Zip

Phone & Fax No. of Plaintiff
Or Plaintiff's Attorney

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20_____.

Clerk of Court / Notary Public

This affidavit is required in all civil filings in this Court. You may take this affidavit to any legally qualified notary public or bring it to my office and we will have you swear to the affidavit before the Judge Or Clerk. Failure to submit this affidavit will invalidate your claim.

CASE NO. _____

AFFIDAVIT PLAINTIFF BEING DULY SWORN ON HIS OATH DEPOSES AND SAYS UNDER PENALTY OF PERJURY THAT DEFENDANT(S)

- IS NOT IN THE MILITARY
- IS NOT ON ACTIVE DUTY IN THE MILITARY AND/OR
- IS NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE.
- IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003
- MILITARY STATUS IS UNKNOWN AT THIS TIME

PLAINTIFF _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20____.

NOTARY PUBLIC IN AND FOR STATE OF TEXAS/
CLERK OF THE JUSTICE COURT (STRIKE ONE)

Penalty for making or using false affidavit – A person who makes or uses an affidavit knowing to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

CIVIL PROCESS INFORMATION FORM

Name of Defendant: _____

Address, City, State, Zip: _____

Telephone: _____ (Home) _____ (Cell)

Drivers License # _____ SSN# _____

Appx. Height: _____ Appx. Weight: _____ Race: _____ Sex: _____ Hair Color: _____

Other Identifying Marks/Features: _____

Directions to Residence: _____

Residence Description (Type of residence, color, one or two story): _____

Vehicle Information:

(1) Make: _____ Model: _____ Color: _____ Year: _____

(2) Make: _____ Model: _____ Color: _____ Year: _____

Employer Information:

Employer: _____

Address, City, State, Zip: _____

Telephone: _____

Plaintiff Name, Address, Telephone Number: _____

IN THE JUSTICE COURT
PRECINCT ____
WHARTON COUNTY, TEXAS

CASE NO. _____

PLAINTIFF

VS.

DEFENDANT

PLAINTIFF'S MOTION TO DISMISS

COMES NOW THE PLAINTIFF in the above styled and numbered cause and files this MOTION TO DISMISS the above styled case WITHOUT PREJUDICE, in accordance with RULE 162 of the Texas Rules of Civil Procedure, and cites the following reason(s):

FILED THIS THE _____ DAY OF _____, 20_____.

PLAINTIFF

ORDER OF DISMISSAL

Be it therefore ORDERED, ADJUDGED AND DECREED that the PLAINTIFF'S MOTION BE GRANTED. The above styled cause is DISMISSED WITH/WITHOUT PREJUDICE.

SIGNED AND ENTERED THIS _____ DAY OF _____, 20_____.

PRESIDING JUDGE/CLERK OF COURT