



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 Forty Six dollars (\$46.00).

In addition, there is a fee for serving the defendant which is Seventy Five Dollars(\$75.00) per defendant to be served in Wharton County, for a total of One Hundred Twenty One dollars(121.00).

NoteIf 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

P.O. Box 780 (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 St.)
Louise, Texas 77455
Phone (979) 648-2363
Fax (979) 648-2359

Judge Tim Drapela, Pct. 4

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

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:
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.

Tenant: _____
V.
Landlord: _____

In the Justice Court
Precinct _____ Place _____
WHARTON 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

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