



RANDALL GRISSOM JUSTICE OF THE PEACE PRECINCT THREE

REPAIR AND REMEDY

- **REPAIR AND REMEDY CASE:** 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.

IMPORTANT NOTICE:

APPROPRIATE COURTROOM ATTIRE IS REQUIRED. All persons entering the courtroom should be dressed in clothing befitting the dignity and solemnity of the court proceedings. No shorts, tank tops, flip flops, hats, etc. Cell phones and other electronics must be turned off when in the courtroom. Food and drink is not allowed in the courtroom.

Courthouse Annex, 1112 Santa Fe Drive, Weatherford, TX 76086
(817) 598-6086 – civil (817) 598-6112 – fax
Court email: jp.3@parkercountytexas.com
Court website: www.parkercountytexas.com/184/Precinct-Three

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

City County State Zip Code

Phone Number: (____)_____

On-Premises Manager's Contact Information:

Name

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____)_____

Rent Collector's Contact Information:

Name

Street Address Unit No. (if any)

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:

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

Signature of Attorney, if any

Printed Name: _____

Printed Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

State Bar No.: _____

<https://scra.dmdc.osd.mil>
create an account
single record request

CAUSE NO. _____

Plaintiff

§ IN THE JUSTICE COURT

VS

§ PRECINCT THREE

Defendant

§ PARKER COUNTY, TEXAS

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT

Before me, the undersigned clerk of the justice court or notary public, on this day personally appeared the undersigned affiant whose identity is known to me. After I administered an oath to such affiant, he or she upon oath and under penalty of perjury stated the following:

I, _____, the undersigned, certify and declare as follows:

- 1) This affidavit is made pursuant to the Servicemembers Civil Relief Act (50 U.S.C. § 3931).
- 2) I am the plaintiff/agent/attorney in the above-styled matter.
- 3) As of the current date: (check one)
 - a. I have personal knowledge that the defendant named above is in military service.
 - b. I have personal knowledge that the defendant names above is NOT in military service.
 - c. I am unable to determine whether the defendant named above is in military service.
- 4) The following facts support the above statement (explain how you know the defendant is or is not in military service, or, if unable to make a determination, the steps you took to investigate the defendant's military status):

Signature of Plaintiff / Agent / Attorney

Subscribed and sworn to before me by _____ on this the _____ day of _____, 20____.

Court Clerk Notary Public

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.