

## GENERAL FILING INFORMATION

**FILING SUIT:** As the Plaintiff, it is your responsibility to complete the petition. The Clerk can assist you with procedural questions. The cost to file a civil suit in Justice Court is \$61.00. Service to each Defendant in Rockwall County is \$75.00. If you are serving a Defendant outside of Rockwall County, you must contact the appropriate Constable for his/her mailing address and service fee. Your petition and citation will be forwarded to the address you provide to the Clerk.

**VENUE:** Generally, a suit should be filed in the County and Precinct where one or more of the defendants reside. However, there are many exceptions to this rule. For further information, consult the Texas Rules of Civil Procedure.

**JURISDICTIONAL LIMIT:** A claim in Justice Court should not exceed the jurisdictional limit of \$10,000.00. Consult the Rules of Civil Procedure for further information.

**SERVICE OF CITATION:** The Clerk will draft the civil citation, attach it to the petition and forward it to either the Constable or Process Server for service on the Defendant(s).

**ANSWER:** Upon service, the Defendant is commanded to answer to the Court, in writing, fourteen (14) days from the date of service. Should the 14<sup>th</sup> day fall on a weekend or holiday, the Defendant's answer is due by the end of the next business day. A defendant must file an answer in Small Claims and Debt Claim cases. An answer is not required in Repair and Remedy cases; however, the Defendant may file an answer should he choose to do so.

**REPRESENTATION:** Litigants in Justice Court are not required to retain legal representation. However, should you choose to retain legal counsel, a letter of representation is required by the Court.

**DEFAULT JUDGMENTS:** A Default Judgment may be entered against the Defendant if he fails to answer or appear for trial.

**TRIAL BY JUDGE OR JURY:** All litigants or Attorneys are notified of trial dates via certified mail, return receipt requested, and registered mail. Notices are mailed 4-6 weeks prior to trial date. All litigants should bring evidence necessary to prove up the case. All motions for continuance must be in writing and received no later than 3 business days prior to trial.

**POST TRIAL:** If you are awarded a judgment, and the defendant does not file a motion for new trial within 5 days, post judgment; or appeal within twenty-one (21) days, post judgment, there are post judgment remedies a litigant may exercise.

**ABSTRACT OF JUDGMENT:** A plaintiff may purchase an abstract of judgment on the twenty-second (22nd) day, post judgment; the cost is \$7.00. The Clerk will draft the abstract of judgment and mail to the plaintiff. This document may be filed with the County Clerk in the county where the defendant may buy or sell real property. Consult the appropriate County for filing fee and procedures.

**WRIT OF EXECUTION:** If a defendant does not file an appeal within the mandated 21 days, post judgment, a plaintiff may seek remedy through a Writ of Execution any time after the 30<sup>th</sup> day from date of judgment. The citation fee is \$7.00, the service fee is \$200.00 in Rockwall County.

**SUIT ON CORPORATION or COMPANY:** For information regarding the Registered Agent, President or Vice-President of a Corporation or Company, consult The Secretary of State at 1-512-463-5555 [www.sos.state.tx.us](http://www.sos.state.tx.us) or the State Comptroller's office at 1-800-252-1381 [www.window.state.tx.us](http://www.window.state.tx.us).

**LEGAL ASSISTANCE:** This office does not provide legal counsel. Please consult the following agencies for guidance.

- State Bar of Texas 800-204-2222 [www.texasbar.com](http://www.texasbar.com)
- Texas Young Lawyers Assoc. 512-427-1529 [www.tyla.com](http://www.tyla.com)
- Helping Hands-Rockwall 972-771-4357 950 Williams St., Rockwall 75087
- Texas Law Help [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

Cause No.: \_\_\_\_\_

Court Date: \_\_\_\_\_

Tenant: \_\_\_\_\_

Vs. \_\_\_\_\_

Landlord: \_\_\_\_\_

In the Justice Court  
Precinct 4  
Rockwall County, Texas

**REPAIR & REMEDY 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 #
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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 #
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- 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 #
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- 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 #
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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 the 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. \_\_\_\_\_

**SERVICEMEMBERS CIVIL RELIEF ACT**

**AFFIDAVIT**  
50 USC Sec.520

The Department of Defense Strongly supports the enforcement of the Service Members Civil Relief Act (SCRA), formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940. The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains official information regarding eligibility status of military personnel. You are strongly encouraged to obtain verification of the person's active duty status by contacting Department of Defense at the following link: <https://scra.dmdc.osd.mil/>. Failure to obtain Military Service verification could result in provisions of the SCRA being invoked against you.

Before me, the undersigned Justice of the Peace/Court Clerk/Notary personally appeared the below-named affiant, who under oath stated the following:

My name is \_\_\_\_\_  
Plaintiff/Agent/Attorney

Being the plaintiff/agent/Attorney in the above case, I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct. Plaintiff being duly sworn on his oath deposes\* and says that defendant(s):

CHECK ONE:

- \_\_\_\_\_ Is (are) NOT on active duty in the U.S. Military
- \_\_\_\_\_ IS (ARE) on active duty in the U.S. Military and/or is subject to the Servicemembers Civil Relief Act of 2003
- \_\_\_\_\_ HAS (HAVE) been deployed by the U.S. Military to a foreign country
- \_\_\_\_\_ has (have) signed, while on active duty, a separate written waiver of his/her rights under the U.S. Service Members Civil Act (SCRA) of 2003

OR

- \_\_\_\_\_ Plaintiff or the undersigned (if the undersigned is acting as agent of plaintiff) is not able to determine whether any defendant is on active duty in the U.S. Military
- \_\_\_\_\_ Plaintiff or the undersigned (if the undersigned is acting as agent of plaintiff) is not able to determine whether any defendant, who is on active duty in the U.S. Military, has been deployed to a foreign country

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
DATE

Subscribed and sworn to before me by \_\_\_\_\_, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Justice of the Peace/Court Clerk/Notary

\*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.

# 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.

<p><b>1. Contact information for person completing case information sheet:</b></p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p><b>2. Names of parties in case:</b></p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p><b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b></p>	
<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 \$10,000, 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 \$10,000, 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 \$10,000, 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 \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>