

District Court Petition for Repair

This document can be used to file suit in district court (or county court with slight changes) requesting a temporary and permanent court order requiring the landlord to repair the problem, and civil penalties, damages, court costs and attorney fees. You can request that the court quickly consider your request for a court order requiring the landlord to repair the problem pending a final trial. The jurisdictional limits are much higher or unlimited. However, it is difficult to represent yourself in these courts, they take more time to get to trial, and the costs for filing suit in these courts are higher.

How to fill in the blanks in the form:

1 The first blank at the top of the form is the Case Number. When you file the case, the court clerk will assign a number to the case and write that number at the top. You do not need to fill that blank in prior to filing the case.

2 On the right side at the top is the court information. Put the County you are filing suit in. The Judicial District is the court that will hear your case and the court clerk will assign it. You do not need to fill that blank in prior to filing the case.

3 Since you are bringing the suit first, you are the Plaintiff. Put your name in the blank for Plaintiff on the left side, and again in the Parties section of the form petition.

4 The landlord is the Defendant. This is probably not the manager of the property. It is best to sue the owner of the property. You have a right to know the name and address of the owner of the property. See Ownership for details on obtaining this information. Often a business entity owns the property (like a corporation, or a limited partnership). If the owner is a business entity, list the entity as the Defendant in the suit and put the name in the blank for Defendant at the top and in the Parties section of the form petition.

5 The address of the Defendant in the Parties section of the form petition needs to be filled in as well. This is the address that a constable will go to serve the Defendant with court papers. So, try to get the correct address and completely list it. The easier it is for the constable to serve the court papers, the faster your case will be heard. You are entitled to know the address of the owner of the property. As we stated above, it is best to sue the owner of the property. You have a right to know the name and address of the owner of the property. See Ownership for details on obtaining this information.

6 The last blank to be filled in the body of the form petition is a listing of the problems that the landlord did not timely repair. Be sure to list all the problems which are significant and you had told the landlord about.

7 Then sign your name at the bottom. Print your name, complete address and phone number below your signature.

8 Then sign the line under Verification in front of a Notary Public. A Notary Public is a person allowed to administer oaths in Texas. These can be found in banks and other locations. The Notary will fill in the rest of the blanks in the verification and place a stamp (the Notary Seal) on the form. (Please note that you are swearing that the facts listed in the petition are true and correct.)

Finally, read over the form and make sure it has been filled out completely. Then make two copies of the signed form and take them, with the original to the justice court for filing. The court will keep the original, keep one copy to serve on the Defendant and return one to you with a file stamp for your records. For more information on proceeding with the case, see Representing Yourself.

NO. _____
(filled in by court)

_____,) IN THE DISTRICT COURT
PLAINTIFF (Your Name),)
vs.)
) _____ COUNTY, TEXAS
)
_____,)
DEFENDANT (Landlord).) _____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff files this original petition in the above-styled and numbered cause, and in support, shows the Court as follows:

I. DISCOVERY

1. Plaintiff intends to conduct discovery under Level 2.

II. PARTIES

2. _____, Plaintiff, is a resident of the county of this Court, within Texas.
3. _____, Defendant, may be served at the following address:

_____.

III. JURISDICTION AND VENUE

4. The amount in controversy is within the jurisdictional limits of this Court, and venue is proper as the cause of action arose in the county of this Court within Texas.

IV. FACTS

5. Plaintiff is a tenant and leases premises from Defendant.
6. The premises have the following problem(s): _____

_____.

7. Plaintiff notified Defendant about the problem(s).

8. Defendant did not make a diligent effort to repair or remedy the problem(s).

V. CAUSES OF ACTION

A. Violation of Texas Property Code

9. Defendant is liable to Plaintiff pursuant to Section 92.056 of the Texas Property Code for each problem identified in Paragraph 6 above, and Plaintiff hereby requests relief for each separately.
10. Pursuant to Section 92.0563 of the Texas Property Code, Plaintiff requests for each problem identified in Paragraph 6 above: an order reducing Plaintiff's rent from the date of the first notice until the condition is repaired; actual damages; a civil penalty of one month's rent plus \$500; and court costs from Defendant.

B. Breach of Lease Contract

11. Defendant breached the lease contract with Plaintiff.
12. Plaintiff is entitled to actual damages (which can be calculated by considering the reduced rental value of the premises) and court costs for each problem identified in Paragraph 6 above, and Plaintiff hereby requests relief for each separately.

C. Request for Temporary and Permanent Injunctive Relief

13. Pursuant to Section 92.0563(a)(1), Plaintiff is further entitled to an order directing the landlord to repair or remedy each problem identified in Paragraph 6 above.
14. Because Plaintiff will be irreparably injured without an adequate remedy at law, Plaintiff requests this Court issue a temporary and permanent injunctive order directing Defendant to repair or remedy each identified problem.

VI. PRAYER

Plaintiff requests this Court grant the following relief:

- a. temporary and permanent injunctive relief;
- b. reduction in rent;
- b. actual damages;
- c. civil penalties;
- c. court costs; and
- d. any other relief to which Plaintiff is entitled.

Respectfully submitted,

(Your Signature)

(Your Printed Name)

(Your Address)

(Your City, State, Zip)

(Your Phone Number)

VERIFICATION

I hereby certify that each and every factual allegation contained within this petition set forth above is within my personal knowledge and is true and correct.

(Your signature)

Subscribed and sworn to before me this ____ day of _____, 200__.

(Notary Signature)

(Notary Printed Name)

Commission Expires: _____

[Seal]