

# MIDLAND COUNTY JUSTICE COURT

Judge Yadi Billeck  
Justice of the Peace Pct. 2  
432-688-4722

Judge John W. Barton  
Justice of the Peace Pct. 4  
432-688-4724

Constable Scott Casbeer  
Precinct 2  
432-688-4712

Constable Jamie Hall  
Precinct 4  
432-688-4701



## **REMEDY & REPAIR** **PETITION PACKET**

**Justice Court clerks are not attorneys and cannot give legal advice.**

For questions about your civil case, including court procedures or how to file documents, please contact our office directly:

✉ [jp24civil@co.midland.tx.us](mailto:jp24civil@co.midland.tx.us)

If you are representing yourself in a civil case, the Texas Justice Court Training Center offers helpful resources here: <https://www.tjctc.org/srl.html>

**Midland County Justice Courts Pct.2 and Pct.4**

**CAUSE NO.** \_\_\_\_\_

*(The Clerk's office will fill in the Cause Number when you file this form)*

_____ (Plaintiff - Tenant)	§	IN THE JUSTICE COURT
Vs.	§	PRECINCT NO. _____
_____ (Defendant - Landlord)	§	MIDLAND COUNTY, TEXAS

**REMEDY & REPAIR PETITION FOR RELIEF**  
**UNDER SECTION 92.0563 OF THE TEXAS PROPERTY CODE**

**COMPLAINT:** Plaintiff (*Tenant*) files this petition against the above-named Defendant (*Landlord*) pursuant to Section 92.0563 of the Texas Property Code because there is a condition in the 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	Phone #
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**Landlord's Contact Information (to extent known):**

Business Address	Unit No. (If any)	City	County	State	Zip	Phone #
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**1. SERVICE OF CITATION:** Check the box next to each statement that is true.

- Tenant received in writing Landlords name and business street address.
- Tenant received in writing the name and business street address of Landlords Management Company.
- The name of Landlords Management Company is \_\_\_\_\_.

*To Tenant's knowledge, this is the management's company contact information:*

Business Address	Unit No. (If any)	City	County	State	Zip	Phone #
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- The name of the Landlord's on premise manager is \_\_\_\_\_.

*To Tenants knowledge, this is the on premise manager's contact information:*

Business 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 Tenants knowledge, this is the collector's contact information:*

Business Address	Unit No. (If any)	City	County	State	Zip	Phone #
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**2. 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 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 certified mail, return receipt requested, or registered mail on: \_\_\_\_\_.
  - Tenant gave oral notice to repair or remedy the condition on: \_\_\_\_\_.
- Name the person to whom notice was given: \_\_\_\_\_.
- Place where notice was given: \_\_\_\_\_.

**3. 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.*) Tenants 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.

Midland County Justice Courts Pct.2 and Pct.4

4. **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:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

5. **RELIEF REQUESTED:** Tenant requests the following relief:

- A court order to repair or remedy the conditions.
A court order reducing Tenant's rent in the amount of \$ \_\_\_\_\_ to begin on \_\_\_\_\_.
Actual damages on the amount of \$ \_\_\_\_\_.
A civil penalty of one month's rent plus \$500.
Attorney's fees.
Court cost.

Tenant states that the total relief requested does not exceed \$20,000, excluding interest and court cost 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 E-mail address.

E-MAIL: \_\_\_\_\_

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

**JUSTICE COURT CIVIL CASE INFORMATION SHEET**

**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.

<b>1. Contact information for person completing case information sheet:</b>		<b>2. Names of parties in case:</b>
Name: _____	Telephone: _____	Plaintiff(s): _____
Address: _____	Fax: _____	_____
City/State/Zip: _____	State Bar No: _____	Defendant(s): _____
Email: _____		_____
Signature: _____		<b>AND ALL OTHER OCCUPANTS</b> [Attach additional page as necessary to list all parties]
<b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>		
<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<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 \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	

CASE NO. \_\_\_\_\_

**MILITARY AFFIDAVIT  
SEC. 201 (b)**

**Plaintiff being duly sworn on oath deposes and says that defendant(s):**

- Is not in the military.
- Not on active duty in the military and/or
- Not in a foreign country on military service.
- Is on active military duty and/or is subject to the Service members Civil Relief Act of 2003.
- Military status unknown at this time.

\_\_\_\_\_  
PLAINTIFF SIGNATURE

\_\_\_\_\_  
*(Plaintiff Printed Name)*

**Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
CLERK OF THE JUSTICE COURT

When filing any Civil Suits this form **MUST** be filled out with proof of military status and accompany the complaint upon filing. Military status can be determined at:

<https://scra.dmdc.osd.mil/scra/#/home>

**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.**

**SERVICE INFORMATION SHEET**

PLEASE COMPLETE THIS INFORMATION TO EXPEDITE SERVICE OF YOUR PAPERS.

**PLAINTIFF NAME:** \_\_\_\_\_

**RESIDENCE:** \_\_\_\_\_

**PLACE OF EMPLOYMENT:** \_\_\_\_\_

**RESIDENCE PHONE:** \_\_\_\_\_ **WORK PHONE:** \_\_\_\_\_

*Number at which you can be reached or can leave a message:* \_\_\_\_\_

**DAYTIME FAX:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

\*\*\*\*\*

**DEFENDANT NAME:** \_\_\_\_\_

**RESIDENCE:** \_\_\_\_\_

**PLACE OF EMPLOYMENT:** \_\_\_\_\_

**RESIDENCE PHONE:** \_\_\_\_\_ **WORK PHONE:** \_\_\_\_\_

**MAIL ADDRESS IF DIFFERENT:** \_\_\_\_\_

**TYPE OF RESIDENCE (List gate codes and building #s):**

\_\_\_\_\_

**Description of residence and any special direction:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please attach a photograph of the residence to assist with proper service on the Defendant.**