

# Repair & Remedy Suit Information

## JUSTICE OF THE PEACE

### PCT.4

### COLORADO COUNTY

Repair and remedy cases are governed by Rule 500-507 and 509 of Part V of the Rules of Civil Procedure. (To the extent of any conflict between Rule 509 and the rest of Part V, Rule 509 applies.)

Repair and Remedy suits must be filed in the Justice of the Peace Precinct where the property affected by Repair/Remedy Condition Related to Habitability of the Premises is located. It is important to understand that the Judge is neither an advocate for the landlord or tenant, and each case is tried on its own individual merit.

Total Court costs in the amount of **\$131.00\*** are due at the time of filing which includes \$46.00 filing fee and Constable Service fee of \$85.00 per defendant. (\*If there are more than one defendant, you will have to pay an additional constable service fee per defendant).

If the premises are located in Precinct 4, you can file a suit to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. Once the suit is filed, the court will immediately issue a citation directed to the landlord, commanding the landlord to appear before the Judge for a Trial setting.

If the tenant appears at trial and the landlord has been duly served and fails to appear at trial, the judge may proceed to hear evidence. If the tenant establishes that the tenant is entitled to recover, the judge must render a judgment against the landlord in accordance with the evidence. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

If the tenant fails to appear for trial, the judge may dismiss the lawsuit.

## **DISCLAIMER:**

**The information contained in this section is NOT purported to be all inclusive. Neither is it intended to serve as legal advice. You are strongly encouraged to consult the actual law, or consult with an attorney for answers to your questions.**

**Helpful information can be found in The Texas Property Code, Texas Rules of Court, and Civil Practices and Remedies Codes. Nothing within this web site should be construed as legal advice. You are always encouraged to consult a law book or speak with your attorney concerning legal issues.**