

CAUSE NO. _____

(PLAINTIFF)

VS.

(DEFENDANT)

§

IN THE JUSTICE COURT

§

PCT.3

§

§

ORANGE COUNTY, TEXAS

**PLAINTIFF'S PETITION FOR EX PARTE WRIT OF RESTORATION OF UTILITY
SERVICE UNDER TEXAS PROPERTY CODE § 92.0091**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff, _____ (name), files this sworn petition against, Defendant, _____
_____ (Defendant's name), and respectfully shows that Court the
following:

1. Plaintiff resides at _____ (street address),
in the City of _____ (city), Texas, _____ (zip), located within
Justice Precinct Three (3) of Orange County, Texas.
2. Per Tex. Prop. Code §92.003, Defendant may be served at: _____
_____ (Defendant's home or work address), or
_____ (Defendant's property management company's
address), or _____ (Defendant's on-site
property manager's address or rent collector's address). Plaintiff requests that citation be issued and
Defendant be personally served at the address listed in this paragraph. If necessary, alternative service is
requested under Tex. R. Civ. P. 742a.
3. The events described in this petition took place within the jurisdiction of this Justice Court
precinct.

FACTS

1. Plaintiff, as tenant, on or about _____ (date of rental agreement), leased the
above described premises from Defendant, as landlord. The lease was _____ (oral/ written).
The lease is currently in effect.
2. On _____ (date of utility interruption), the Defendant unlawfully caused
the interruption of Plaintiff's _____ (the disabled utility:
water/ gas/ electricity) service by:

(Defendant's actions).

Defendant has acted in bad faith in Defendant's attempt to keep Plaintiff from having the disabled utility available to the unit.

3. Attempts by Plaintiff to resolve these issues have been unsuccessful. Plaintiff has attempted to resolve these issues by _____, but Defendant has not restored utility service to the rental unit.

CAUSE OF ACTION

Violation of Texas Property Code §92.008 *et seq.*

Defendant violated Section 92.008 *et seq.* of the Property Code by causing the interruption of utilities to Plaintiff's rental unit.

Plaintiff requests that the Court issue a Writ of Restoration of Utility Service that entitles Plaintiff to immediate and temporary restoration of the disconnected utility service as permitted by section 92.0091(c) of the Texas Property Code.

REQUEST FOR RELIEF

Plaintiff requests that the Court find Defendant liable, and grant Plaintiff the following relief from Defendant:

1. an Ex Parte Writ of Restoration of Utility Service under Texas Property Code 92.0091 ordering Defendant to immediately reconnect the disabled utility service;
2. that said Writ of Restoration of Utility Service be served on Defendant in accordance with law;
3. that Defendant be prohibited from interfering with Plaintiff's peaceful possession of the premises;
4. that all court costs be assessed against Defendant;
5. and for such other relief as Plaintiff may be lawfully entitled until such time proper notice and hearing is held before this Court.

Respectfully Submitted,

Signature

Printed Name

Address

Phone Number (Daytime)

§132.001 OF THE TEXAS CIVIL PRACTICE AND REMEDIES CODE

My name is _____, my date of birth is _____,
(First) (Middle) (Last)

and my address is _____/_____/_____/_____
(Street) (City) (State) (Zip Code)

_____. I declare under penalty of perjury that the foregoing is true and correct.
(Country)

Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

DECLARANT

Sworn and subscribed before me this _____ day of _____, _____.

Notary Public for State of Texas
My Commission Expires _____

Judge