

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

Plaintiff,	§	<b>JUSTICE OF THE PEACE COURT</b>
	§	
v.	§	
	§	<b>PRECINCT NO. _____, PLC. _____</b>
	§	
Defendant.	§	<b>EL PASO COUNTY, TEXAS</b>

**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:

1. Plaintiff, \_\_\_\_\_ (name), files this sworn petition against \_\_\_\_\_ (Defendant’s name), Defendant, and respectfully shows that Court the following:

2. Plaintiff resides at \_\_\_\_\_ (street address), in the City of \_\_\_\_\_ (city), Texas, \_\_\_\_\_ (zip), located within Justice Precinct \_\_\_\_, Place \_\_\_\_ of El Paso County, Texas.

3. 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.

4. The events described in this petition took place within the jurisdiction of this Justice Court precinct.

**FACTS**

5. 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.

5. 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.

6. 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.**

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

8. 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**

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

- a. an Ex Parte Writ of Restoration of Utility Service under Texas Property Code 92.0091 ordering Defendant to immediately reconnect the disabled utility service;
- b. that said Writ of Restoration of Utility Service be served on Defendant in accordance with law;
- c. that Defendant be prohibited from interfering with Plaintiff's peaceful possession of

the premises;

- d. that all court costs be assessed against Defendant;
- e. 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)

**UNSWORN DECLARATION UNDER**  
**§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\_\_\_\_\_.  
(Month) (Year)

\_\_\_\_\_  
DECLARANT