

CV-DR PETITION FOR ENFORCEMENT OF DEED RESTRICTION VIOLATION Tex. Gov't Code §27.034

Instructions: "Deed restriction" means one or more restrictive covenants contained or incorporated by reference in a properly recorded deed, map, plat, replat, declaration, or other instrument filed in the real property records, map records, or deed records of the county in which the property is located. The petitioner in a dispute concerning a deed restriction must present as evidence at the first hearing in the dispute: (1) a certified copy of the deed or other document that establishes the restriction on the property; and (2) other documents necessary to demonstrate that the restriction applies to the property in dispute. The judge may order the parties to mediation. The judge may not grant injunctive relief.

NO. _____

PLAINTIFF(S)
VS.

DEFENDANT(S)

§ IN THE JUSTICE COURT OF
§ POLK COUNTY, TEXAS
§ _____
§ _____
§ _____
§ _____

ORIGINAL PETITION TO ENFORCE DEED RESTRICTION

This is a suit to enforce the violation of a deed restriction.

Plaintiff: _____
Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

Defendant: _____

Address: _____

City: _____ State: _____ Zip: _____ Date of Birth (if applicable): _____

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

*Defendant may be served by serving _____
(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at _____
(state the address for service of process).

The defendant's usual place of business or residence, or other place where defendant can probably be found is _____

The property made the basis of the violation is: _____

2. **Restrictive Covenant.** The property made the basis of the violation is (describe the property owned by the defendant made the basis of the violation of the restrictive covenant):

Restrictive covenants govern the property as follows: (Describe the instrument creating the restrictions on use of the property, including recording information, and attach a copy of the instrument.)

3. **Deed Restriction Violation.** The Defendant violated the Restrictive Covenants as follows: (Describe the nature of the violation, the date on which the violation first occurred, the action taken by the plaintiff to notify the defendant of the violation, and the defendant's refusal to correct the violation. Violation may not concern a structural change to a dwelling. The term "dwelling" does not include an external structure, such as a carport, fence, storage building, or unattached garage.)

4. **Relief Requested.** Plaintiff requests that the court find that the defendant is in violation of a deed restriction, and assess civil damages for the violation in an amount not to exceed \$200 for each day of the violation. Plaintiff requests recovery of its reasonable attorney's fees in the amount of \$ _____, together with costs of court, and any other relief to which the plaintiff may be entitled.

Respectfully submitted,

Signature of Plaintiff or Plaintiff's Attorney of Record

Printed Name: _____
State Bar No. _____

Address: _____

Telephone: _____ Fax Number: _____

E-Mail Address: _____

Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.