

Lease Line—

Small Claims Court Best for Landlord Disputes

By BARB SEARS

Many tenants are so frustrated in trying to deal with landlords, that they finally turn to the Small Claims Court. This occurs when the tenant does not receive his deposit refund and after repeated visits with the manager, finally decides that his only alternative is a judicial ruling. However, the tenant is advised to contact the Fair Housing Commission before giving up hope for a solution out of court. The Small Claims Court is the lowest court in Texas for it will handle disputes on matters involving a maximum of \$150, or \$200 if wages are the topic. The judge is the local Justice of the Peace,

who is elected for a 4-year term by the citizens of the county.

In Brazos County, the office of the Justice of the Peace is located on the third floor of the County Court House, which is right off Texas Avenue in Bryan. One can file the claim at this office for \$3, plus a \$2 citizen fee. The citation is then delivered by the police to the landlord, a process which will take from a day to a week. The landlord is thus notified about the action against him and has ten days in which to file an answer.

If the landlord either does not reply or does not show up for the hearing, then the plaintiff (tenant) generally wins the case by

default. But, by the same token, if the plaintiff does not show up, then the judge will dismiss the charges.

Should either the defendant or plaintiff desire, a jury can be convened by request, and through another \$3 fee. For some tenants this may be preferable because a jury may be more responsive to an emotional appeal, whereas the judge is dutifully confined by the absolute lines of the law.

It is not a good policy, however, to count on emotional appeal to win ones case. The Fair Housing Commission policy is to refer cases to the Small Claims Court

only when the landlord has been blatantly wrong.

There are possibilities, though in which a sympathetic jury could be helpful. For example, the tenants lease might say that he agrees to abide by the rules of the landlord. But then the landlord takes a disliking to this tenant and decides to apply some extreme regulations to his case, like not allowing him to rearrange his furniture, not allowing visitors of the opposite sex to enter the apartment, not allowing guests of another race to visit, etc. These are unfair restrictions, and yet

the tenants lease stated that he would abide by the rules of the landlord. In this case, a jury might be the best audience because the jurors would probably sympathize with the plight of the tenant in having to face such unreasonable regulations.

The procedure followed in the Small Claims Court is less formal than in any other courtroom. Usually, neither side has a lawyer, but each is responsible to produce whatever witnesses or evidence is necessary.

In the case of a security deposit dispute, the tenant must prove

that he paid the deposit, by having a receipt or the testimony of his roommates or others. It is best if the tenant can also have his checklist to verify the condition of the apartment before and after he lived there, but again, witnesses may be used. It is up to the landlord to prove that the damages to the premises were more than normal wear and tear.

The plaintiff (tenant) should prepare in advance by organizing his thoughts about dates, places, important facts, and he should bring all related documents and

witnesses along with him.

It is the judges duty to see the case a full hearing if both sides are there, and he may ask questions and even call witnesses himself. The judgement of the Small Claims Court can be appealed to the County Court there is more than \$20 in dispute.

The Small Claims Court is used by landlords in eviction cases. The landlord can sue the tenant for possession of the premises or non-payment of rent or if a tenant won't move out after a lease has expired.

CADET SLOUCH

by Jim Earle

WELL, FIRST LET ME EMPHASIZE MY COMPLETE FAITH IN JUDGE SIRICA (PAUSE) A GREAT JURIST (CLICK)... WHY, GOOD MORNING, BEBE (PAUSE) I WAS JUST SITTING HERE THINKING WHAT A (CLICK) GREAT GUY (CLICK) THAT OLD (CLICK) JUDGE SIRICA IS (CLICK) (PAUSE)... ER, WHY YES, RICHARD, A WONDERFUL HUMAN BEING, I ALWAYS SAID (PAUSE)....



Minority Representation

Last week a state legislative committee began an investigation into possible racist policies at the University of Texas.

Some people were upset that out of the 40,619 students at UT only 412 are black and only 101 are American Indians. UT Student Government President Sandy Kress has asked for an immediate increase in the number of minority students there and called UT minority enrollment programs a failure.

If statistics are reason enough for an investigation then that state committee should cast its eyes eastward toward Aggieland. Last year, out of the 11,771 full-time undergraduates here only 96 were black, 384 were American Indians, 142 American Orientals and 297 Spanish surnames. Of the 728 in the undergraduate College of Veterinary Medicine none fell in those four categories. The total of all four minorities here last year tops by only eight the number of international students here in 1973. The Registrar's Office has not tabulated the number of minority students at A&M this year. The Department of Health, Education and Welfare periodically requires information on student ethnic backgrounds but has not asked for this from A&M this fall.

No doubt the percentage of minorities is proportionately very low but can one cry discrimination? A few years ago all mention of race was deleted from A&M entrance applications and photos are not requested. According to Donald Carter of Admissions and Records, anyone is accepted who applies and meets the minimum entrance requirements.

A&M's recruitment system seems fair enough, since, according to Director of Admissions Dr. Bill Lay, A&M admission representatives are sent to all Texas high schools that request them. "No push is made to go to minority schools but, then again, we don't disregard their requests." He added that all high schools in the state are invited to attend A&M's Career Day.

The blacks, particularly, are in an extreme minority numbering only 96 last year and including many scholarship athletes who might not otherwise attend A&M. Aaron Donatto, head of the Black Awareness Committee, attributes part of the problem to a general lack of information and misconceptions blacks have about the University. "Many blacks have the impression A&M is real hard. It is the technical aspects of the University that are stressed at high school programs." He added that the social life here is bad—for whites as well as blacks. "You can count the number of black 'sisters' on one hand," he said.

Dr. Lay said few black high schools have "All University nights." Representatives, he said, went to Houston's Abraham Lincoln High School, which is predominantly black, and only 10 students attended the meeting. Donatto said he feels high school counselors are not selling A&M to blacks and oftentimes, say it's too hard and recommend Prairie View A&M.

Minority representation here and at UT is definitely an unfortunate situation that needs remedy. But before a state committee looks at state college discrimination it should consider the basic socio-economic problems faced by Texas minorities and the high school environments they face.

The Battalion

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Listen Up—

Tradition Fine—Keep It Out of Others' Throats

Editor:

Re: Larry Jones on the Aggie Band (Oct 25)

I am a former student of A&M and understand the tradition behind yell practice, etc. after each game. However I feel it's time that policy is re-examined in light of the criticism A&M has received in the Lubbock area since the A&M-Texas Tech game. The Tech band director was publicly critical of the A&M band, as were many non-partisan observers. The image of TAMU was hurt by the incident.

The avowed purpose behind the Tech band's post-game performance was to keep people in the stands to let traffic clear. The Aggie Band should have recognized Tech's right to play, especially since it was the Raider's home game.

Rather than trying to drown out the home team band, my suggestion is that the two band directors come together to decide how post-game activities can best be carried out.

Tradition is fine, but let's not force it down the throats of other schools when we are their visitors.

Joel Sheffield '71
 Lubbock

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Editor:

We have been the victims of careless and mindless students living in one of the civilian dorms in the Corps area. Our room is in

Utay Hall.

Our window has been broken three times this semester, and at least twice it was done by someone on the ground playing catch with people in an upper floor window above ours. It was broken once just before school started, a second time on Oct. 26 and a third time on Oct. 28. One of us was in the room the third time and could have easily been injured by flying glass.

This sort of behavior fits a moron with synapses that backfire, but is inexcusable for an Aggie. We hope that persons playing football, etc. on the quad will come to their senses and move their games to the intramural field across the street. The window will be repaired, but we have no protection against the microcephalic idiots who continue to play football around our window. Our dorm supervisor told us that he was powerless to stop these activities. Therefore, we ask that someone in a position of authority act on our complaint, make our suggestion a rule and enforce it strictly.

John Spivey '77
 Jerry Pearce '77

Contact Dean of Men Charles Powell's office or his assistant, Ron Blatchly. Either can help settle the matter. Your last recourse would be Vice President for Student Services John Koldus—Ed.



"Where can I lodge an official complaint about our sidewalks?"

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