
Small Claims Court Lawsuit for Statutory Violations

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2308.404 allows a vehicle owner or operator the right to file a Small Claims Court Lawsuit against the Property Management Company, business owner and landowner for any statutory violation of the Texas Occupations Code 2308, which regulates the booting, towing and vehicle storage facility law. We recommend not to include the tow company in this legal action should you choose to not seek the advice of an attorney.

- When filing these types of lawsuits to recover damages (paid to retrieve your vehicle at the storage facility or paid a drop or boot fee), you will be required to pay the court filing fees; filing fee plus two service fees.
- The service fee differs from county to county, but is required to be paid so the parties you list in the lawsuit are served to appear in Court.
- The name of the landowner can be found in the Central Appraisal District website for the county the parking facility is located you were towed from. You “must” use the legal name of the entities you are suing as you could be given judgment that is not collectable if the incorrect name is listed on the small claims court petition.
- To find the legal name of the property management company or business owner, you can use the Texas Comptroller of Public Accounts website at <https://mycpa.cpa.state.tx.us/coa/Index.html> by searching by Entity Name, at the bottom of the page when you find the company you are looking for, there is tab called “Officers and Directors Information”. But you can use the property manager’s name % of the property management company.
- The amount of damages you will be seeking is \$1000 plus three times what you paid, plus the filing fees and evidence production.

For step by step instructions in filing these lawsuits, it recommended you use the EFile system that comes with self-help. link to <https://selfhelp.efiletexas.gov/SRL/Account/Login>

Common violations to document, take photos or video with your cellphone

Below is what a legal tow sign should look like and state



Tow sign posted farther than 25' from street; [2308.301\(a\)\(2\)\(B\)](#)

Tow sign not facing you entering; [2308.301\(a\)\(1\)](#)



Tow sign below lacks required text or verbiage or has prohibited text; [2308.301\(b\)\(5\)\(B\)](#)



Unless there is a city ordinance which specifically states otherwise, all Fire Lanes must state: "FIRE LANE TOW AWAY ZONE" [2308.251\(c\)](#)



Parking Permit has tow company name on it; [2308.401](#)

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Both the permits and warning stickers are something of value, as they are marketing their name

Orange warning sticker has tow company name on it; [2308.401](#)



Designated parking space is not marked in both front and rear of space: [2308.305\(a\)](#)



Vehicle Storage Facility failed to provide name of person who authorized tow; [2308.455\(4\)](#): sue tow or booting company even if tow or boot is legal

STOCK # : **B310072**

TYPE OF TOW : Private Property Tow

RELEASE TYPE: Release

OPERATOR: BILLY

Star Lane Auto Storage

5808 Star Lane

Houston, TX 77057

(713)278-1006

RELEASE OF VEHICLES TO REGISTERED OWNERS WITHIN ONE
STORAGE LOT FACILITY, PERMIT #:104601

TEXAS DEPARTMENT OF LICENSING & REGULATION VEHICLE STORAGE FA

DATE CHECKED IN: 10/15/2013

TIME CHECKED IN: 05:07a

TOWED FROM: 6061 Beverly Hill Dr Houston Tx 77057

DATE RELEASED: 10/15/2013

TIME RELEASED: 05:10p

AUTHORIZED BY: Beverly Palms Apts/Tow Away Zone Tel:

TOWED BY: Euro Star Wreckers LLC 5810 Star Ln Suite 201 Houston 77057 (713)973

PD. CONTROL# : 1572770

CUSTOMER
BILL

TRANSFER
INVOICE

INVOICE

VEHICLE: 2010 NISSAN SENTRA WHITE BM9Z609 TX

VIN #: 3NIAB6AP0AL661953

OWNER: JUAN OLIVARES JR 1309 FULLERTON AVE MCALLEN TX 78504

OWNERSHIP: Vehicle Insurance Card

TITLE #: 10810240230150044

RELEASED TO: VANESSES OLIVARES

LIEN HOLDER: NMAC PO BOX 254648 SACRAMENTO CA 95865

IDENTIFICATION: 26102076

RELEASE

Tow company installed tow signs, this information is obtained when a reverse call sting to the property is done and recorded, when asking them who installed the tow signs, [2308.255\(a\)\(1\)\(A\)\(B\)](#)

Another method to get the tow company to admit they are giving something to the parking facility, is to cold call the tow company shown on your release documents to find out who the account salesperson is. Then make a recorded call asking for that person who authorized the tow, stating you are property manager just transferred from out of state to manage some properties checking references for the tow company that towed your vehicle, listing them as reference about posting signage, providing parking permits, striping the parking lot and stickering vehicles, "is this what they do for you at no cost"?

Expired registration and inspection stickers are the easiest to win in the Small Claims Court with a Jury Trial. If the tow company mails this required certified letter to the vehicle owner at their expense, then the parking facility has violated 2308.401 for accepting something of value from the tow company in connection with the removal of a vehicle. Orange warning stickers are not the required notice. Watch the below of a case filed by TDLR against tow company reference this same exact issue.

The person below is Jess Horton, a professional con artists, former president of Southwest Tow Operators, whose motto is: "The key to a thriving tow business is bribery".

Be sure to take the correct photographs of all entry and exits to a public street or alley that should show how wide the driveway is at the street, if over 35' wide, 2 tow signs are required. These photographs should show the tow signs if posted within 25' of street.



Video evidence for lack of signage sometimes is better than photos, must the video must show the date and time.