

# DEPOSIT DEFENDER

Case Analysis Report | Texas Security Deposit

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**IMPORTANT:** This report is provided for informational and document preparation purposes only. It does not constitute legal advice and does not create an attorney-client relationship. For advice specific to your legal situation, consult a licensed Texas attorney.

## CASE STRENGTH SUMMARY

**C**

65/100

### Moderate

Win Probability: **64%**

Best Case: **\$1,500**

Likely Recovery: **\$1,200**

Evidence Quality: **Strong**

**RECOMMENDED:** Request Itemization / Negotiate | Urgency: MEDIUM

## RECOMMENDED STRATEGY & ACTION PLAN

### Why This Approach:

Your case has legitimate claims but some factors create uncertainty. Requesting a written itemization (if not received) and/or proposing a direct resolution may be more practical than immediate court filing.

**Timeline: 21-45 days** | Estimated Cost: \$8-50 (certified mail, minimal up-front cost)

### Action Steps:

#### **Step 1: Send a written request for itemization (if not received)**

By: Within 7 days  
Request in writing via certified mail. Reference § 92.104 if helpful to include.

#### **Step 2: Review the itemization once received**

By: Upon receipt  
Compare claimed deductions against your move-out condition. Normal wear and tear is not a legitimate deduction.

#### **Step 3: Gather supporting evidence (photos, communications)**

By: Within 14 days  
Document the condition you left the property in. Organize all correspondence.

#### **Step 4: Consider proposing a direct resolution if communication is open**

By: After reviewing itemization  
Sometimes direct negotiation produces faster results than court proceedings.

**If No Response:** If the landlord does not respond to your written request, you may want to evaluate whether filing in small claims court makes sense given the deposit amount and your available time.

## TIMELINE & COMPLIANCE

### Timeline

Move-Out Date: 2026-02-14

Days Elapsed: 7 days

30-Day Deadline: Unknown

Status: **23 days remaining**

### Compliance Checklist

- Deposit Returned
- Itemization Provided
- Refund Within 30 Days
- Forwarding Address Given

## LEVERAGE POINTS

### #1 \$1,000 Deposit Withheld — 23 Days Until Statutory Deadline [HIGH]

Your landlord has not returned your \$1,000 deposit or provided any written explanation of deductions. Texas Property Code § 92.103 gives landlords 30 calendar days to return the deposit or provide a written itemization of deductions. That deadline is unknown—23 days from now. Under § 92.109, a landlord who fails to meet this deadline in bad faith may lose the right to withhold any portion of the deposit and may face additional liability.

#### Supporting Facts:

- Move-out date: 2026-02-14
- 7 days elapsed — statutory deadline: unknown
- Security deposit: \$1,000
- No refund received
- No itemized deduction list received
- Forwarding address provided on 2026-02-14

#### Statutes Referenced:

[Tex. Prop. Code § 92.103](#) | [Tex. Prop. Code § 92.104](#) | [Tex. Prop. Code § 92.109](#)

## RECOVERY ESTIMATE

LIKELY RECOVERY

**\$1,200**

BEST CASE

**\$1,500**

WORST CASE

**\$750**

*These are informational estimates only. Actual recovery depends on many factors including court proceedings, landlord response, and specific facts. This is not legal advice.*

## YOUR ACTION CHECKLIST

### Step 1: Gather Your Documents

Collect everything related to your rental in one place: (1) your signed lease, (2) move-in condition report or photos, (3) move-out photos, (4) deposit payment receipt, (5) any emails, texts, or letters with your landlord, (6) proof of forwarding address delivery if sent.

- & Lease agreement
- & Move-in photos or condition report
- & Move-out photos
- & Deposit payment receipt
- & All landlord communications (emails, texts, letters)
- & Forwarding address proof (certified mail receipt if applicable)

### Step 2: Confirm Your Forwarding Address

If you have not already done so, send your forwarding address to your landlord in writing today—certified mail is best. Under § 92.107, your landlord's 30-day clock runs from when they receive your forwarding address. Sending it now creates a clear paper trail and ensures the deadline is unambiguous.

### Step 3: Document Your Timeline

Write out a simple timeline now: your move-out date, when you provided your forwarding address, any communications with your landlord, and the statutory deadline (unknown). If the deadline passes without a refund or itemization, this documentation will support a written demand or small claims filing.

## Step 4: Learn About Your Options

If your written demand is not resolved, Texas Justice of the Peace courts handle small claims up to \$20,000. Filing fees are typically \$50-100. You may also consult with a licensed Texas attorney.

! TexasLawHelp.org — Security Deposits: <https://texaslawhelp.org/article/security-deposits>

! Texas JP Courts (Small Claims): <https://www.txcourts.gov/about-texas-courts/trial-courts/justice-of-the-peace-courts/>

### APPLICABLE TEXAS LAW

#### **Tex. Prop. Code § 92.101** — Security Deposit

Defines what constitutes a security deposit under Texas law.

#### **Tex. Prop. Code § 92.103** — Obligation to Refund

Establishes the 30-day timeline for returning deposits or providing itemization.

#### **Tex. Prop. Code § 92.104** — Retention of Security Deposit; Accounting

Specifies permissible reasons for retaining a security deposit.

#### **Tex. Prop. Code § 92.109** — Liability of Landlord

Establishes landlord liability for bad faith retention of deposits.

### POTENTIAL DAMAGE CLAIM DEFENSES

No specific damage concerns detected from your notes. The burden-of-proof defense applies to any deductions the landlord may claim.

#### **[STRONG] Landlord Must Prove Claims**

Statute: Tex. Prop. Code §§ 92.104, 92.109

Under Texas law, a landlord who withholds or deducts from a deposit must provide a written itemized list of deductions (§ 92.104). The burden is on the landlord to document and justify each charge. General or vague claims without itemization or supporting receipts are difficult to enforce.

#### Questions to ask landlord:

- Please provide a written, itemized list of all deductions with specific amounts
- Please provide receipts for any repairs or professional services charged
- Please provide before and after photos documenting the claimed damage

*These defense points are informational only and based on general principles. Specific legal strategies should be discussed with a licensed Texas attorney.*

### LEGAL DISCLAIMER

This report is provided for informational and document preparation purposes only. It does not constitute legal advice and does not create an attorney-client relationship. For advice specific to your legal situation, consult a licensed Texas attorney.

This analysis applies Texas law only (Tex. Prop. Code § 92.101 et seq.).

Recovery estimates and win probability figures are informational tools only based on general case factors. They do not guarantee any outcome.

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