

EXAMPLE NOTICE LETTER TO GYM/APARTMENT

VEHICLE THEFT OR BREAK-IN INCIDENT

[Date]

To: Gym/Apartment Manager
Name of Gym/Apartment
Address (same location as parking lot)

Re: Notice of Parking Lot/Garage Criminal Act Upon My Vehicle

My name is (_____) and I am a (member/tenant) of the (gym/apartment).

Please be advised that on (_____ date) at approximately (_____ time), I legally parked my vehicle, a (_____ describe vehicle include VIN) in your parking lot/garage located at the same address for the purpose of (working out in the gym/returning to my leased apartment).

On (_____ date) at approximately (_____ time) I returned to my parked vehicle and then discovered that it had been (stolen/broken into).

I have/will report the incident to the (_____ name of city) police (and was assigned incident number _____).

The stolen vehicle has yet to be recovered/the stolen vehicle was recovered and damaged/the break-in resulted in damage to my vehicle (choose appropriate remark).

I generally have suffered the following damages to my vehicle (_____)

(describe damages: loss of vehicle/broken window, lock, body damage, etc.)

I have consulted local published crime statistics report for the parking lot/garage area and that report indicates the parking lot/garage is an active criminal area for crimes to parked vehicles. I trust you are equally aware of such published publicly available information. I understand you have been given notice by others of similar criminal events in the parking lot/garage.

Trust you will co-operate with any law enforcement agency investigating the event.

Sincerely,

Name/phone/email

Attachments: Photos of vehicle damage/Google Map illustrating where parked (circled in red)

EXAMPLE DEMAND LETTERS TO GYM/APARTMENT COMPLEX

REGARDING CLAIM FOR DAMAGES DUE TO VEHICLE THEFT/BREAK-IN OR PERSONAL INJURY

ON A PARKING LOT UNDER THE CONTROL OF THE GYM/APARTMENT:

IF TO A GYM...

Send to resident manager and gym address where parking lot is located (and ideally also to legal department of the corporate headquarters or other executive officer) and to shopping center manager, if applicable. Try and identify who has **control** of the parking lot as they are the responsible party. Send certified mail, return receipt requested.

DATE

Gym corporate legal department

Certified Mail

Via: **Fax Number:**

Via: Email:

Gym local manager

Certified Mail

Shopping Center (if applicable)

Local Leasing and Property Management Office

Certified Mail

PROPERTY MANAGER,

Email:

Shopping Center Corporate Landlord (if applicable)

Attn: Legal Department

Certified Mail

Re: Theft of Vehicle or Theft From Motor Vehicle – Forced Entry
Parking Lot Area Utilized by [name of gym]

I am a member of [name of gym].

Request is hereby made that you compensate me for (choose applicable claim)...

- Value, in the amount of \$ _____ for my vehicle stolen from and legally parked in your parking lot.
- Damage in the amount of \$ _____ to my vehicle legally parked in your parking lot due to a criminal break-in event on your parking lot.
- Personal injury in the amount of \$ _____ I suffered due to an encounter with criminal break-in/theft act upon my vehicle legally parked in your parking lot

As previously reported to you, on or about (_____ date), between the hours of approximately _____ and _____, my _____ (description of car) was broken into/stolen while parked in _____ (name of gym) parking lot located at (_____, address of parking lot and name of shopping center if known) and the incident occurred while I was inside the gym working out. I am a member and invitee of the gym. I reported the incident to the _____ police department and was assigned incident number _____.

The break-in/theft resulted in the following damages to my vehicle

- _____ (summary of damage to vehicle, broken window lock, body damage, etc).
- As best I can tell nothing of value was taken. or
- Personal property was taken from my vehicle consisting of _____.
- I suffered the following personal injury when I stumbled upon and encountered the criminal act (describe injuries if applicable, else delete.....)

Picture from Google Map, of my approximate vehicle parking location at the time of the incident is shown below. [insert Google map picture with circles area where the vehicle was parked]

[_____]

Pictures of my vehicle damage are illustrated below. [insert pictures].

[_____]

[Add any additional material information such as...

Pictures of my personal injury are illustrated below, [insert picture, optional]

[The incident occurred in broad day light in the middle of the day, close to lunch time when there is high traffic, which indicates criminals are somewhat indifferent to simple security measures.] (modify to your specific facts]

As you know, City of _____ publishes crime statistics which shows for your parking lot location and immediate adjacent areas, frequent incidents of vehicle break-ins and theft. I have attached an example copy of those statistics.

My discussions with other gym members and the gyms resident manager indicate they are aware of frequent vehicle theft or break-in events in the parking lot.]

You invite us members and guests (invitees) to use your gym and utilize the parking lot. Many gym members, known or have reason to know by you, schedule a work-out during or after their work hours and consequently will more than likely have in their possession valuable items (wallets, purses, cell phones, computer, brief cases, and many sensitive items contained in such). Depending on the extent of such valuables, they may be securely 'locked' in one's vehicle or carried inside the gym. Given the frequent incident of theft from locked vehicles on the parking lot, protecting such assets is not an easy thing to do. And you and your landlord knows or have reason to know of these security risks. And given us invitees who use the gym, you as well as your landlord are and have been on notice of the high crime theft from a motor vehicles incidences and must take reasonable actions to prevent such.

What are some possible (though not all inclusive) security actions you/your landlord, could utilize to help deter crime and protect us invitees? (delete, add, modify as required)

- **Provide parking lot security attendants.**
- **Install security fencing.**
- **Install more effective security cameras.**
- **Install lockable valuable lockers outside the showers and in public areas in the gym thereby much reducing clandestine forced entry.**
- **Post noticeable posters giving invitees full notice and reminder of how to protect their valuables (lock in the trunk and in secure vault containers; lock valuables in gym provided lockable lockers – located in plain view outside shower area; leave valuables at home, etc).**
- **Have a security expert prepare a parking lot security report and implement recommended security measures designed to prevent or greatly reduce the incident of vehicle theft or break-in on your parking lot.**
- **Advise invitees by conspicuous poster, of your awareness of City of _____ Police Department crime statistic reports and that the parking lot location historically has had many criminal activities associated with parked motor vehicles on the parking lot.**
- **Publish a conspicuous notice to gym users of the gym's updated list of known vehicle criminal acts that occurred in the parking lot (leaving out privacy information but informing of the date, time and type of criminal activity that was reported – theft, break-in, etc).**

Regards,

Name, phone, email address of sender

Attachment

_____ Police Department Selected 'reported' Crime Statistics for the period _____ through _____ (2022 Internet cite...as example for City of Houston Police Department

(https://www.houstontx.gov/police/cs/Monthly_Crime_Data_by_Street_and_Police_Beat.htm) .

Yellow highlight of selected criminal theft statistics associated with a motor vehicle, especially force entry/theft from such motor vehicle on _____ (address of parking lot). Of this sample

of the statistics it shows at least _____ theft from motor vehicle incidents at _____ parking lot, being the parking lot the gym uses.

Incident	RMSOccurrenceID	RMSOccurrenceH	NIBRSCode	NIBRSDescription	OffenseCode	Beat	Premise	StreetNo	StreetName	StreetType	Side	City	ZIPCode	MapLongitude	MapLatitude
282	1312722	1/3/2022	0	240	Motor vehicle theft	1	2460	Parking Lot, Garage	2727	18TH	ST	W HOUSTON	77008	-95.446662	29.801556
283	3158122	1/7/2022	22	23F	Theft from motor vehicle	1	2460	Restaurant	1802	18TH	ST	W HOUSTON	77008	-95.431767	29.801632

[RESEARCH FOR LEGAL NAMES AND ADDRESSES OF RELEVANT PARTIES: THOSE CONTAINED IN GYM MEMBERSHIP AGREEMENT, INTERNET WEB SITE, COUNTY ASSUMED NAME RECORDS, SECRETARY OF STATE BUSINESS ENTITY REGISTRATION]

IF THE GYM AGREEMENT (A SERVICE CONTRACT) ALSO CONTAINS TERMS ASSOCIATED WITH USE OF THE PARKING LOT, IT MIGHT BE ARGUED THERE IS A CONTRACTUAL OBLIGATION FOR THE GYM TO PROVIDE A SAFE PARKING LOT FREE FROM VEHICLE RELATED CRIMINAL ACTS AND THE GYM MAY HAVE VIOLATED THE TEXAS DECEPTIVE TRADE PRACTICES ACT AND A CLAIM AND NOTICE GIVEN UNDER THAT ACT. THIS DEMAND LETTER NEEDS TO BE REVISED IF DTPA CLAIM IS ASSERTED SINCE THE ACT NORMALLY REQUIRES WRITTEN DEMAND BEFORE A SUIT IS FILED.

IF TO AN APARTMENT...

Send to resident manager and apartment address where parking lot is located (and ideally also to legal department of the corporate headquarters or other executive officer of the legal owner of the apartment). It is presumed the parking lot is under the control of the apartment complex, and unlike a gym that is typically located in a shopping center, not under the control of a shopping center landlord. Try and identify who has **control** of the parking lot as they are the responsible party. Send certified mail, return receipt requested.

DATE

Apartment legal owner corporate legal department

Certified Mail

Via: **Fax Number:**

Via: **Email:**

Apartment local manager

Certified Mail

Re: Theft of Vehicle or Theft From Motor Vehicle – Forced Entry
Parking Lot Area Utilized by [name of apartment]

I am a tenant of [name of apartment] and I am current on my rental payments.

This written notice is given to the apartment of its breach of its duty owed me as a tenant of the apartments implied warranty of habitability under the Texas Property code. That breach is as the result of the failure of the apartment to provide reasonable security and safety measures in the parking lot to prevent the risk of vehicle theft or break-ins and should a tenant stumble upon such event, suffering personal injury from a defensive reactionary criminal that materially affects the physical health and/or safety of me as tenant.

Request is hereby made that you compensate me for (choose applicable claim)...

- Value, in the amount of \$_____ for my vehicle stolen from and legally parked in your parking lot/
- Damage in the amount of \$_____ to my vehicle legally parked in your parking lot due to a criminal break-in event on your parking lot/
- Personal injury in the amount of \$_____ I suffered due to an encounter with criminal break-in/theft act upon my vehicle legally parked in your parking lot

As previously reported to you, on or about (_____ date), between the hours of approximately _____ and _____, my _____ (description of car) was broken into/stolen while parked in _____ (name of apartment) parking lot located at

(_____, address of parking lot) and the incident occurred while I was legally parked in the parking lot being a resident tenant. I reported the incident to the _____ police department and was assigned incident number _____.

The break-in resulted in the following damages to my vehicle and/or personal injury.

- _____ (summary of damage to vehicle, broken window lock, body damage, etc).
- As best I can tell nothing of value was taken. or
- Personal property was taken from my vehicle consisting of _____.
- I suffered the following personal injury when I stumbled upon and encountered the criminal act (describe injuries, delete if not applicable....)

Picture from Google Map, of my approximate vehicle parking location at the time of the incident is shown below. [insert Google map picture with circles area where the vehicle was parked]

[_____]

Pictures of my vehicle damage are illustrated below. [insert pictures].

[_____]

Picture of my personal injuries. [optional]

[Add any additional material information such as...

The incident occurred in broad day light in the middle of the day, close to lunch time when there is high traffic, which indicates criminals are somewhat indifferent to simple security measures. [Modify to actual events]

As you know, City of _____ publishes crime statistics which shows for your parking lot location and immediate adjacent areas, frequent incidents of vehicle break-ins and theft. I have attached an example copy of those statistics.

My discussions with other tenants and the apartment resident manager indicate they are aware of frequent vehicle theft or break-in events in the parking lot.]

You invite us tenants and guests (invitees) to use the apartment parking lot. You know or have reason to know of security risks associated with criminal activity in the parking lot associated with vehicle theft or break-ins and if encountered by a tenant, putting such tenants safety at risk due to personal injury caused by a defensive discovered criminal. You have been on notice of the high crime theft from a motor vehicles incidences and must take reasonable actions to prevent such to avoid us tenant's safety being put at risk of harm.

What are some possible (though not all inclusive) security actions you/your landlord, could utilize to help deter crime and protect us invitees?

- Provide parking lot security attendants (ask for this though under the Property Code not required to do this).
- Install security fencing.
- Install more effective security cameras.
- Post noticeable posters giving invitees full notice and reminder of how to protect their valuables (lock in the trunk and in secure vault containers;).
- Have a security expert prepare a parking lot security report and implement recommended security measures designed to prevent or greatly reduce the incident of vehicle theft or break-in on your parking lot.
- Advise invitees by conspicuous poster, of your awareness of City of _____ Police Department crime statistic reports and that the parking lot location historically has had many criminal activities associated with parked motor vehicles on the parking lot.
- Publish a conspicuous notice tenants of apartment’s updated list of known vehicle criminal acts that occurred in the parking lot (leaving out privacy information but informing of the date, time and type of criminal activity that was reported – theft, break-in, etc).

Regards,

Name, phone, email address of sender

Attachment

_____ Police Department Selected ‘reported’ Crime Statistics for the period _____ through _____ (2022 Internet cite...as example for City of Houston Police Department (https://www.houston.tx.gov/police/cs/Monthly_Crime_Data_by_Street_and_Police_Beat.htm) . Yellow highlight of selected criminal theft statistics associated with a motor vehicle, especially force entry/theft from such motor vehicle on _____ (address of parking lot). Of this sample of the statistics it shows at least _____ theft from motor vehicle incidents at _____ parking lot, being the apartment parking lot.

Incident #	RMSD Occurrence #	RMSD Occurrence #	NIBRS Code	NIBRS Description	Offense Code	Beat #	Premise	Street No	Street Name	Street Suffix	City	Zip Code	Map Longitude	Map Latitude
262	1311732	1/3/2022	0	240	Motor vehicle theft	1	2460	Parking Lot, Garage	2727	18TH	HOUSTON	77008	-95.446562	29.801556
263	3158122	1/7/2022	22	23F	Theft from motor vehicle	1	2460	Restaurant	1802	18TH	HOUSTON	77008	-95.431767	29.801632

[RESEARCH FOR NAMES AND ADDRESSES OF RELEVANT PARTIES: THOSE CONTAINED IN LEASE AGREEMENT, INTERNET WEB SITE, COUNTY ASSUMED NAME RECORDS, SECRETARY OF STATE BUSINESS ENTITY REGISTRATION]

IF THE LEASE AGREEMENT (A SERVICE CONTRACT) ALSO CONTAINS TERMS ASSOCIATED WITH USE OF THE PARKING LOT, IT MIGHT BE ARGUED THERE IS A CONTRACTUAL OBLIGATION FOR THE APARTMENT TO PROVIDE A SAFE PARKING LOT FREE FROM VEHICLE RELATED CRIMINAL ACTS AND THE APARTMENT MAY HAVE VIOLATED THE TEXAS DECEPTIVE TRADE PRACTICES ACT AND A CLAIM AND NOTICE GIVEN UNDER THAT ACT. THIS DEMAND LETTER NEEDS TO BE REVISED IF DTPA CLAIM IS ASSERTED SINCE THE ACT NORMALLY REQUIRES WRITTEN DEMAND BEFORE A SUIT IS FILED.

**TENANT NOTICE LETTER TO APARTMENT
TO REPAIR/REMEDY UNSAFE/UNHEALTHY CONDITION**

TO APARTMENT...

Send to resident apartment manager and obtain a receipt of delivery or send certified mail return receipt..

DATE

Apartment Manager

Certified Mail

Via: **Fax Number:**

Via: **Email:**

Re: Notice To Repair/Remedy A Condition That Affects My Safety/Health

I am a tenant of [name of apartment] and I am current on my rental payments.

This written notice is submitted pursuant to **Texas Property Code, Title 8, Landlord and Tenant Chapter 92, Residential Tenancies (Implied Warranty of Habitability)** and you are requested to timely remedy or repair a condition at the Apartment as provided by the Code, because such condition materially affects my physical health or safety.

The condition of concern is the Apartment's lack of sufficient parking garage installed security systems, otherwise designed to prevent or substantially reduce the risk of my vehicle parked in the Apartment parking garage, which is under your control, being subject to theft or break-in, and my risk associated with my unintentionally stumbling upon such event and a discovered criminal acting defensively potentially causing me personal injury as a result of a criminal assault. Such potential bodily harm risk is an unsafe and unhealthy condition.

You invite me as a tenant (an invitee) to use the apartment parking lot. You know or have reason to know of a history of security risks associated with criminal activity in the parking lot associated with vehicle theft or break-ins and knowledge of a natural consequence, if encountered by a tenant, putting such tenants safety and health at risk due to personal injury caused by a defensive discovered criminal. You have a duty to me as a tenant and as an invitee, to take reasonable actions to prevent such criminal acts to avoid my safety and health being put at risk of harm.

By way of example and not intended to be an all inclusive or the necessary remedy and repair response, some possible remedies/repairs might include:

- Provide parking lot security attendants or guards.
- Install (better) security fencing and/or gates.
- Install more effective security cameras.

- Install (better) lighting.
- Install motion or other activated voiced intercom advising the one who triggered the intercom that they are being monitored, etc.
- Post conspicuous posters in the Apartment and in the parking garage giving invitees full notice and reminder of how to protect their valuables (lock in the trunk and in secure vault containers;).
- Have a security expert prepare a parking garage security assessment report, publish such report for tenant awareness and the Apartment timely implement recommended security measures designed to prevent or greatly reduce the incident of vehicle theft or break-in on the parking garage.
- Advise invitees by conspicuous poster, of your awareness of City of _____ Police Department crime statistic reports and that the parking garage location and adjacent areas has historically had many criminal activities associated with parked motor vehicles on the parking lot.
- Periodically publish updated conspicuous notice of tenants list of known vehicle criminal acts that occurred in the parking garage (leaving out privacy information but informing of the date, time and type of criminal activity that was reported – theft, break-in, etc).
- Periodically publish for tenant awareness the Apartment’s process and policy for interfacing with law enforcement agencies when a criminal act to parked vehicles occurs in the parking garage.

Should you fail to timely remedy/repair the condition as provided by the Code or fail to reasonably provide in writing a valid reason why there may be a delay to remedy or repair the condition, I hereby reserve any and all of my rights under the Texas Property Code, to pursue various remedies, including but not limited to filing suit and seeking relevant court Order(s) permitted by the Code.

Sincerely,

Tenant

Print name: _____

Address (include apartment number): _____

Phone: _____

E-Mail: _____

Fax: _____