

INSTRUCTIONS

FOR COMPLETING

ANSWER -UNLAWFUL DETAINER



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
LIMITED CIVIL JURISDICTION**

INSTRUCTIONS FOR COMPLETING

ANSWER -UNLAWFUL DETAINER

Follow the directions and complete the form. Take the completed form to the Filing Counter and pay required filing fee.

Each letter (i.e., A, B, C, etc.) is directly related to the necessary form information.

The clerk cannot give legal advice-you must consult an attorney for legal advice.

A If you do not have an attorney, print your name, address and telephone number and print "Pro Per" next to "Attorney" for (Name).

If you have an attorney, have the attorney complete and file your answer.

B Leave this space blank.

C Print the name and address of the courthouse where you are filing your case.

D The Landlord or his Authorized Agent is the PLAINTIFF. Print the Plaintiff's name as it appears on the complaint.

E If you are the named party whom the landlord is seeking to evict, then you are the DEFENDANT. Print YOUR name. You must be a defendant named in the complaint. If not, consult with an attorney or contact Legal Aid for advice

F Print the case number from your copy of the Summons in this space.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <p style="text-align: center;">A</p>	TELEPHONE NO.: 	FOR COURT USE ONLY <p style="text-align: center;">B</p> <p style="text-align: center; font-size: 1.5em;">LEAVE BLANK</p>
ATTORNEY FOR (Name): NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <p style="text-align: center;">C</p>		
PLAINTIFF: DEFENDANT: <p style="text-align: center;">D E</p>		
ANSWER - Unlawful Detainer		CASE NUMBER: <p style="text-align: center;">F</p>

4150

- G 1** Print your name and the name of any other defendant who is filing this answer with you.
- G 2** Read and place a check mark in either **2a** or **2b**. If you check **2b**, print the paragraph numbers from the complaint in either (1) or (2) that you are denying.
- G 3** For items **3a** through **3i**, you may check as many items that apply to your case. For each item checked, you need to explain in your own words your defenses in item **3j**.
- G 4** Read and place a check mark in any items that apply to your case and fill in the requested information. If they do not apply, leave blank.

1. Defendant (names):
 answers the complaint as follows:

G 2 2. Check **ONLY ONE** of the next two boxes:
 a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000).
 b. Defendant admits that all of the statements of the complaint are true EXCEPT
 (1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):
 Continued on Attachment 2b(1).
 (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):
 Continued on Attachment 2b(2).

G 3 3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3j).)
 a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
 b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
 c. (nonpayment of rent only) On (date): _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
 d. Plaintiff waived, changed, or canceled the notice to quit.
 e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
 f. By serving defendant the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.
 g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____
 i. Other affirmative defenses are stated in item 3j.

(Continued on reverse)

Form approved by the Judicial Council of California 9/82,1(95) (Rev. January 1, 1987) ANSWER - Unlawful Detainer Civil Code § 1940
Case of Civil Procedure § 425.12

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

3. AFFIRMATIVE DEFENSES (cont'd)
 j. Facts supporting affirmative defenses checked above (identify each item separately by its letter from page one):
- (1) All the facts are stated in Attachment 3j. (2) Facts are continued in Attachment 3j.
4. OTHER STATEMENTS
 a. Defendant vacated the premises on (date): _____
 b. The fair rental value of the premises alleged in the complaint is excessive (explain): _____
 c. Other (specify): _____

- G 5** In the event that you become the winning party in Court, you may check box **5c** if you want to be reimbursed for any money you spent to pay for attorney fees on this case (your written contract must have provision for attorney fees).
- G 6** You may also check box **5d** if you want the court to order the plaintiff to repair/correct the condition of the premises and reduce the monthly rent to a reasonable amount until repair/correction is made.
- G 7** If you have some other requests not covered above, check **5e** and explain in this space; be specific as possible.
- G 8** Fill in the number of pages attached together as your answer in this space.
- G 9** Check the applicable box if an unlawful detainer assistant "did not" or "did" assist with this form or give you legal advice for payment. If you check the did box, you must complete items **7a-e**.

H Each defendant who is filing must date, print his/her name, and sign the Answer and Verification. If you are filing for you and your spouse, only one of you needs to sign.

1. DEFENDANT REQUESTS

- G 5** a. that plaintiff take nothing requested in the complaint.
- G 6** b. costs incurred in this proceeding.
- G 7** c. reasonable attorney fees.
- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected
- e. other (specify):

G 8 6. Number of pages attached (specify):

UNLAWFUL DETAINER ASSISTANT (Business and Professions Code sections 6400-6415)

7. (Must be completed in all cases) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from an unlawful detainer assistant, state):

- G 9** a. Assistant's name: _____ b. Telephone No.: _____
- c. Street address, City, and Zip: _____
- d. County of registration: _____ e. Registration No.: _____ Expires on (date): _____

H _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

H _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF DEFENDANT)

95.2 (1995) Rev. January 1, 1997 ANSWER - Unlawful Detainer WEST GROUP Official Publisher Page Two

NOTICE

This Judicial Council form includes many of the defenses commonly used in unlawful detainer cases. Answering defendants are not precluded from drafting their own responses in compliance with Rules of Court 201.

Defendants are required by law to serve a copy of their answer on the plaintiff or the plaintiff's attorney. A Declaration of Mailing must be filed with your answer. You may serve your answer personally or by mail. (See Instructions for Completing Declaration of Mailing.) CCP SECTION 465;1014

Demandados la ley requiere que usted le entregue una copia de su respuesta de su demanda al demandante o al abogado del demandante. Debe de archivar, junto con su respuesta, un certificado de prueba de la entrega de su respuesta. Usted puede mandar a alguien que entregue el documento personalmente o mandarlo por correo. CCP SECTION 465;1014