

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):		
NAME OF COURT, JUDICIAL DISTRICT, OR BRANCH COURT, IF ANY:		
PLAINTIFF:		
DEFENDANT:		
REPLY—Unlawful Detainer (Pilot Project—C.C.P. § 1167.2) Riverside Consolidated/Coordinated Courts and the Downey, El Cajon, and North Santa Barbara County Municipal Courts		COURT CASE NO.:

1. PLEASE BE ADVISED THAT:

- a. In order to protect your rights in this case, you should complete and file this form with the court immediately, but in no event later than 5 **calendar** days after the date of service upon you of the summons and complaint. You may (1) file this form with the clerk of the court or (2) mail it to the court by registered or certified mail, return receipt requested, postmarked during the 5-calendar-day period.
- b. This case will be scheduled for a pretrial hearing. At that hearing the court will determine whether there is a substantial conflict as to a material fact or facts relevant to the unlawful detainer. At the end of the hearing the court may order you to make a rent deposit with the court, as requested by the landlord. At the pretrial hearing you will be allowed to verbally answer the complaint and present your testimony, the written declarations of others, and documentary or physical evidence as to material facts relevant to the unlawful detainer. If the court determines that a pretrial rent deposit is required, it will be no greater than an amount equal to 15 days' rent or \$500, whichever is less.
- c. Should the court order you to make a pretrial rent deposit and you have timely returned this "reply form," you will have two **court** days from the date of the hearing to make the deposit. If you fail to timely return this "reply form" and the court orders a pretrial rent deposit, you must make the deposit that same day to preserve your right to a trial. Failure to make a court-ordered pretrial rent deposit will result in judgment being entered against you for possession of your residence.

I deny each of the allegations of the plaintiff's complaint and add the following defenses:

2. AFFIRMATIVE DEFENSES (*Check the boxes below that apply and briefly state the facts to support the defenses under item 2k.*)

- a. (*nonpayment of rent only*) Plaintiff has breached the warranty to provide habitable premises.
- b. Plaintiff waived, changed, or cancelled the notice to quit.
- c. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- d. Plaintiff has failed to perform his or her obligations under the rental agreement.
- e. By serving defendant with 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.
- f. 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*):

- g. Plaintiff accepted rent from defendant to cover a period of time after the date stated in paragraph 8b of the complaint.
- h. (*nonpayment of rent only*) On (*date*): _____ defendant offered the rent due but plaintiff would not accept it.
- i. Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- j. Other affirmative defenses.

(Continued on reverse)

SHORT TITLE: _____	CASE NUMBER: _____
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k. FACTS SUPPORTING AFFIRMATIVE DEFENSES CHECKED ABOVE (*Identify each item separately.*)

Continued on Attachment 2k.

3. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. Defendant claims a credit for deposits of (*specify*): \$
- c. The fair rental value of the premises in item 12 of the complaint is excessive (*explain*):

- d. Other (*specify*):

4. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.
- d. other (*specify*):

.....
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

.....
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

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 reply. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:
.....
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT)