

# Respond to an **ejectment** lawsuit

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If you get served with a **Summons and Complaint for Ejectment**, your landlord or property owner has started a lawsuit to remove (eject) you from the property. If you don't respond in writing by the deadline in the Summons, you could lose automatically. Read this for help responding quickly in two types of situations: (1) you're a tenant who pays rent to live at the property, or (2) you have permission to live there and you don't pay rent money.

## 1. Fast facts

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In Washington state, there are 2 different procedures for removing a tenant from a landlord's property. One is an **eviction (unlawful detainer action)**, and the other is an **ejectment**. The type of procedure the landlord or property owner should use depends on your relationship to them.

- An **eviction** is a special type of court case designed to move quickly to decide limited questions: who has the right to control or possess the rental property and if the tenant owes any rent or other money. The eviction court judge can only review certain types of tenancies: residential (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18>), mobile home park (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.20>), and other ongoing tenancy (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.12.030>). The eviction process is generally much faster than other types of court cases.
- A judge in an **ejectment** case can make more decisions (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.28>) about getting back real property (land or buildings). The judge can decide who has the legal right to possession or ownership and more, including counterclaims and damages. The process is generally slower than an eviction lawsuit.

If you've received a **Summons and Complaint for Ejectment**, your landlord or property owner has started an ejectment lawsuit to get court permission to remove (**eject**) you. You must respond in writing right away, even if the court papers don't have a case number. If you don't, you could lose automatically. This guide will help you respond quickly.

An ejectment lawsuit can also be called a **Quiet Title Action**. Look at the relief requested towards the end of the Complaint to see what the landlord or property owner is asking the court to do. If you see the words **writ of ejectment** or **writ of restitution**, they're asking permission to remove you from the property.

## 2. If you pay rent

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If you pay rent money to your landlord, your landlord must provide a good (legal) reason to end your tenancy. The same is true for a mobile park owner where you pay money to rent lot space (land). If the landlord doesn't follow the law, such as providing the required written notice, this is a good (legal) reason to ask the court to end or cancel (to dismiss) the lawsuit.

Low-income tenants served with eviction lawsuits may qualify for a free lawyer to represent them in court. But some landlords choose to file an ejectment lawsuit, where there's no right to counsel for tenants. If you can't afford to pay for a lawyer, you must represent yourself in an ejectment lawsuit.

You might not qualify for a free lawyer but still qualify for free legal advice.

If you've received a **Summons for Ejectment**, you must respond to the lawsuit in writing. Anything you want the judge to consider must be submitted (filed) with the court clerk in writing and served on the landlord or their lawyer. If you don't respond, you could lose automatically (by default). The court won't accept the reason that you didn't know how to respond as a defense to default.

### 3. If you don't pay rent

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If you have permission to live in a place but don't pay money for rent, you may be a **tenant at will**. (The property owner or landlord can end your tenancy at any time if they give you **reasonable notice** to move out. A Washington appellate court decided this in *Najewitz v. City of Seattle*, 21 Wn.2d 656, 152 P.2d 722 (1944).

The law doesn't say what's considered a "reasonable" amount of time. You may try to ask for more time (an extension) based on hardship or disabilities, but the property owner doesn't have to give you more time.

If you don't move out by the time you were told to leave, the property owner can only remove you with a signed court order called a **writ of ejectment**. It's illegal for property owners to lock you out or shut off your utilities without a court order. A Washington appellate court decided this in *Gray v. Pierce Cnty. Hous. Auth.*, 123 Wn. App, 744, 97 P.3d 26 (2004).

If you've received reasonable notice, you should move out immediately to avoid more financial responsibility. Property owners may ask the court to award them court costs, attorneys' fees, and sometimes back rent from when you lived in the property without paying money for rent.

If you've received a Summons for Ejectment, you must respond to the lawsuit in writing, even if there's **no case number**. If you don't, the **property owner wins by default**. You won't get notice of a default judgment against you if you haven't at least filed a Notice of Appearance.

Once the owner gets a judgment against you, the owner may be able to take money from your bank account or paycheck, or take some of your property to pay the judgment.

**Moving won't stop the ejectment lawsuit.** You must notify the person who filed the lawsuit (the Plaintiff) in writing that you've moved.

Keep proof that you gave them this notice.

The Plaintiff may have asked the court to award them money (damages) in addition to ordering you to leave. The Plaintiff can still go ahead with the lawsuit even though you've already moved out. You can try to talk to the Plaintiff or their lawyer to see if they'll agree to dismiss the lawsuit. If they won't, you must file a motion asking that the lawsuit be dismissed.

## 4. Legal defenses

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You can bring up good (legal) reasons in your written response (called an **Answer**) to ask the court to dismiss the lawsuit. These are called **defenses**.

If you don't have any defenses, you'll lose the lawsuit. You may try to resolve (settle) the lawsuit with the property owner or their lawyer by moving out as soon as possible.

Here are some common possible defenses for tenants at will:

- **No notice:** The property owner never gave you any notice verbally or in writing to leave.
- **The ejectment lawsuit wasn't properly started:** The Plaintiff made mistakes in the steps taken to start the lawsuit. These are called **procedural errors**.
- **The owner starts the lawsuit before the notice period expires.** You have proof that you were given a later date to move out.

**Example:** The owner told you to move out by June 30. You're working to move out. But the owner filed the lawsuit on June 15, before your deadline to vacate.

- **You weren't properly served.** To start a lawsuit, an adult age 18 or older who isn't the Plaintiff must hand the court papers to you or someone of suitable age living with you. If you're not home, the Plaintiff must follow legal

rules to serve you differently.

**Example 1:** A process server handed the Summons and Complaint to a friend visiting your home. Your friend doesn't live with you.

**Example 2:** A process server handed the court papers to your 10-year-old child. A 10-year-old isn't a person of suitable age.

**Example 3:** The property owner handed you the court papers. The property owner is the Plaintiff and isn't allowed to personally serve you to start the case.

- **You weren't given enough time to respond to the lawsuit under Washington's Civil Rules.** Generally, you have 20 days to respond after being served with the Summons and Complaint ([https://www.courts.wa.gov/court\\_rules/pdf/CR/SUP\\_CR\\_04\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/CR/SUP_CR_04_00_00.pdf)). You have 60 days to respond ([https://www.courts.wa.gov/court\\_rules/pdf/CR/SUP\\_CR\\_12\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/CR/SUP_CR_12_00_00.pdf)) if you were served by publication, out of state, or while you're in a jail, detention, or prison facility. It's a defense if you were properly served but not given enough time to respond. But the landlord or owner may be able to fix the mistake and restart or continue the lawsuit.

**Example:** You were handed the Summons and Complaint in Washington state by a process server. The Summons tells you to respond by a certain date, which is only 7 days after service.

- **Lack of standing:** To sue someone in court, you must have **standing**, which means the law gives you the right to sue. You might have the defense that the Plaintiff doesn't have standing to remove you from the property. Here are some common examples of lack of standing:

**Example 1:** You're a live-in caregiver for a relative. You aren't required to pay rent. Your relative just passed away, and their children are

suing to eject (remove) you from the home. There was no will, and no one's been appointed by the court to represent your relative's estate yet. None of the children have title to the home. The children lack standing to eject you because they don't own the home and no one's legally appointed to manage the estate's affairs.

**Example 2:** You and the Plaintiff are married and bought the property together during your marriage. Your spouse had better credit, so the mortgage is in their name. You've separated and are working on a divorce, but haven't gotten any court decisions yet. Since the home is community property you got during your marriage, you have an ownership interest in it even if your name's not on the title. The Plaintiff can't ask the court to eject you.

**Example 3:** You and the Plaintiff were in a long-term relationship for 20 years but never married. Everyone treats you like a married couple. Early in your relationship, Plaintiff bought a house. You're not on the title, but you made mortgage payments during your relationship. You've recently split up, and Plaintiff has asked you to leave. It may be a defense to ejectment that you have an ownership interest in the property because you were in a "marriage-like" relationship. You may need to file a separate lawsuit to claim your right to a fair share of the value of your contributions to the home. This process is complicated. Try to talk to a lawyer.

- **Not given a reasonable amount of time to vacate:** You may not agree with how much time the property owner gave you to move out. The judge may decide how much time is reasonable on a case-by-case basis. A judge may consider factors such as how long you've lived in the home, health issues, disabilities, and so on. Generally, this is a weaker defense.

## 5. Respond

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If you've been served a Summons and Complaint to an ejectment lawsuit, **you must respond in writing**. If you don't respond by the deadline, the court will give the other party everything they've asked for in their court papers with no input from you (called a default judgment). It's very hard to undo a default.

Follow these steps:

1. **Check your deadline!** It's usually **20 days** from the date a server hands the papers to you or someone in your home. Read the Summons carefully for the deadline.
2. **Fill out the forms in the last chapter of this guide:**
  - Notice of Appearance
  - Answer and Affirmative Defenses to Ejectment.
3. **Make copies.** You need your original plus **3 copies** of each completed form including proposed orders:
  - 1 for yourself
  - 1 for the other party or their lawyer, if they have one)
  - 1 for the judge as a working copy (if those are required in your county)Organize the copies in sets, so there's one set for each person who needs a copy. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.
4. **Serve a copy** on the other party. If the other party has a lawyer, serve the lawyer.

You can serve by **hand delivery** or **first class mail**. Sometimes you can serve by **email** or **fax**, but only if the other party has put in writing that they agree to accept legal papers for this case in that way.

**For hand delivery**, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy. Hand delivery means one of these:

- Handing it to the other party (or their lawyer)
- Leaving it at their office with their clerk or other person in charge of the office
- If no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk)

- If the office is closed or the person has no office, leaving it at their home with an adult who lives there

**If you mail**, you must mail your papers **more than 3 days before** your deadline.

- When counting, don't count the day of mailing, weekends, or court holidays (example: if you mail something on a Monday, it counts as served on Thursday)
- If the third day is on a weekend or holiday, it isn't "served" until the next court day

If you send your papers by regular first-class mail, you can have an extra copy sent by certified mail, return receipt requested, for extra proof of mailing. Attach a copy of the tracking information or signed return receipt card to your proof of service.

**If you email**, keep a copy of the email you sent and any reply from the other party that shows they received it.

**If you fax**, keep the transmission confirmation page that shows it was delivered.

5. **File the originals with the Superior Court Clerk.** (If the case hasn't yet been filed, skip this step.)

You can be served with a lawsuit before the case is filed in court. Look for a case number on the papers you received. It should be on the top right of the first page. **If there's a case number, the case has been filed.** If you **don't** see a case number, it may not be filed yet. You can call the court clerk to check.

**To file in person:** Take your completed papers to the court clerk and file the originals. Have your copies date-stamped to prove when they were filed. Keep your copies.

**To file by mail:** mail the court clerk 2 copies with a postage-paid return envelope addressed to you. Mail early so the court receives it by the

deadline!

**Some courts let you file papers online (e-file).** Check your court clerk's website for instructions.

**6. Try to talk to a lawyer.**

**7. Go to any scheduled hearing or trial.** After you file your Notice of Appearance and Answer, the Plaintiff should schedule another hearing to ask the court to decide the case. If there are no disagreements about why the Plaintiff has the legal right to get back control of their property (possession), the Plaintiff may schedule a **Summary Judgment hearing**.

If there are disagreements (issues of material fact), the Plaintiff should schedule the case for a **trial**.

Bring your documents with you to any hearings. Your court hearing may be by phone or online. The court papers should list the location or call-in information. Call the court if you're unsure.

If your hearing is online, follow these [tips for phone and video hearings](#).

**Need an interpreter?** You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

## **6. Strike Show Cause hearing**

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Some landlords or their attorneys may [schedule a “Show Cause Hearing”](#) (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.370>) in the lawsuit to ask the

court to quickly decide if the landlord can remove (eject) you. **This is a legal error and you can object to it!** Show Cause Hearings are only available in eviction lawsuits (unlawful detainer actions), **not** ejectment lawsuits.

**If you got notice about a “Show Cause Hearing,”** with or without an Order to Show Cause, you can file a **Motion to Strike** asking that the Show Cause Hearing be canceled because the court has no authority to hold this type of hearing in evictions.

If the judge agrees to strike the hearing, you may have more time to try to work out a solution with the Plaintiff (agreed settlement) and/or move out before the correct type of hearing is scheduled.

The process can be complicated. Try to talk to a lawyer.

If you decide to file a **Motion to Strike** on your own, follow these steps:

1. **Contact the Superior Court Clerk’s office.** Ask if they have special (local) forms you must use to schedule a hearing. If so, use those forms instead of ours.

Tell them you’re going to file a **Motion to Strike a Show Cause Hearing**. Ask when you can schedule a hearing on your motion **before** the Show Cause Hearing, and for help with other details on the Notice of Hearing form. You can also wait to fill this part out until you go to court to file your papers.

If you can’t schedule it before the Show Cause, schedule it to be heard at the **same day and time** as the Show Cause. At the Show Cause Hearing, ask the judge to consider your Motion to Strike first.

2. **Fill out these forms:**

- [data-entity-type="media" data-entity-uuid="c0a3fb9b-39c2-4397-a0b1-6e1a1816084a" data-entity-substitution="media" title="Motion to Strike Show Cause Hearing \(Ejectment or Quiet Title\)">Motion to Strike Show Cause Hearing \(NJP Housing 668\)](#)
- [data-entity-type="media" data-entity-uuid="6c0da71d-2f9d-453e-83ba-039215973ec4" data-entity-substitution="media" title="Order on Motion](#)

to Strike Show Cause Hearing (Ejectment or Quiet Title)">Order on Motion to Strike Show Cause Hearing (NJP Housing 669)

- > data-entity-type="media" data-entity-uuid="27b46b15-23ca-418e-86b1-182153ca1836" data-entity-substitution="media" title="Notice of Hearing (general civil)">Notice of Hearing (NJP General 008) (or use a local form for this)

3. **Make copies.** You need your original plus **3 copies** of each completed form including proposed orders:

- 1 for yourself
- 1 for the other party or their lawyer, if they have one)
- 1 for the judge as a working copy (if those are required in your county)

Organize the copies in sets, so there's one set for each person who needs a copy. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

4. **File the originals** with the Superior Court Clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of any proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

5. **Serve the other party** with copies of everything you filed, and any proposed orders.

You can do this yourself or have someone else do it for you. You can always serve by hand delivery or mail. You can serve by email or fax only if the other party (or their lawyer) says they accept service that way in their papers, or if your court's local rules allow it.

For hand delivery, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy.

For mailing, you must put the copies in the mail at least **3 days before** the deadline. Ask the Post Office for tracking or delivery confirmation.

You (or your server) must fill out and sign the Proof of Mailing or Hand Delivery. Make 1 copy.

File the original Proof of Mailing or Hand Delivery with the Superior Court Clerk. Bring your copy to the hearing.

6. **Confirm your hearing, if needed.** In some counties, you must contact the clerk's office to confirm that you want your hearing to happen on the day it is scheduled. If you don't confirm by the deadline, **your hearing will be canceled**. Ask the court clerk for instructions.
7. **Go to your hearing.** Ask the judge to sign your proposed order striking the show cause hearing.

## 7. Dismiss

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If the Plaintiff didn't follow the law or the required steps to start the lawsuit, or you've identified a good (legal) defense to dismiss the lawsuit, you can file a motion asking the court to dismiss the lawsuit without prejudice. This process can be complicated. Try to talk to a lawyer.

“Without prejudice” means the Plaintiff can start the lawsuit again in court if the mistakes are corrected.

If the court approves your motion to dismiss the ejectment lawsuit, you may also ask the court to sign an Order to Limit Dissemination. Ejectment lawsuits may have a negative effect on your tenant screening reports. Read more about how to stop an eviction or ejectment from showing up on tenant screening reports.

If you decide to file a **Motion to Dismiss** on your own, follow these steps:

1. **Contact the Superior Court Clerk's office.** Ask if they have special (local) forms you must use to schedule a hearing. If so, use those forms instead of ours.

Tell them you're going to file a **Motion to Dismiss**. Ask when you can schedule a hearing on your motion and for help with other details on the Notice of Hearing form. You can also wait to fill this part out until you go to court to file your papers.

2. **Fill out these forms:**

- [data-entity-type="media" data-entity-uuid="9140be3f-a71c-4d4e-93c3-4df2d2c018af" data-entity-substitution="media" title="Motion to Dismiss Ejectment">Motion to Dismiss Ejectment \(NJP Housing 666\)](#)
- [data-entity-type="media" data-entity-uuid="8a3a56a0-c11c-4f17-8a24-d923d2860858" data-entity-substitution="media" title="Order on Motion to Dismiss Ejectment">Order on Motion to Dismiss Ejectment \(NJP Housing 667\)](#)
- [> data-entity-type="media" data-entity-uuid="27b46b15-23ca-418e-86b1-182153ca1836" data-entity-substitution="media" title="Notice of Hearing \(general civil\)">Notice of Hearing \(NJP General 008\)](#) (or use a local form for this)

3. **Make copies.** You need your original plus **3 copies** of each completed form including proposed orders:

- 1 for yourself
- 1 for the other party or their lawyer, if they have one)
- 1 for the judge as a working copy (if those are required in your county)

Organize the copies in sets, so there's one set for each person who needs a copy. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

4. **File the originals** with the Superior Court Clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of any proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

5. **Serve the other party** with copies of everything you filed, and any proposed orders.

You can do this yourself or have someone else do it for you. You can always serve by hand delivery or mail. You can serve by email or fax only if the other party (or their lawyer) says they accept service that way in their papers, or if your court's local rules allow it.

For hand delivery, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy.

For mailing, you must put the copies in the mail at least **3 days before** the deadline. Ask the Post Office for tracking or delivery confirmation.

You (or your server) must fill out and sign the Proof of Mailing or Hand Delivery. Make 1 copy.

File the original Proof of Mailing or Hand Delivery with the Superior Court Clerk. Bring your copy to the hearing.

6. **Confirm your hearing, if needed.** In some counties, you must contact the clerk's office to confirm that you want your hearing to happen on the day it is scheduled. If you don't confirm by the deadline, **your hearing will be canceled**. Ask the court clerk for instructions.
7. **Go to your hearing.** Ask the judge to sign your proposed order dismissing the ejectment case.

If the court approves your motion to dismiss the ejectment lawsuit, you may also ask the court to sign an Order to Limit Dissemination. This order stops tenant screening companies from showing an ejectment record when you apply for housing.

## 8. Forms

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Use these forms to respond to an ejectment lawsuit. You may need other forms to strike a show cause hearing or ask the court to dismiss the case.

Form attached:

**Notice of Appearance (general civil)** (NJP General 005)

Form attached:

**Answer and Affirmative Defenses to Ejectment** (NJP Housing 665)

Form attached:

**Declaration of (name): \_\_\_\_\_ (general civil)** (NJP General 010)

Follow the general rules to format and fill out court documents.

### **Tips for filling out Notice of Appearance (NJP General 005)**

The Notice of Appearance simply tells the Plaintiff (person starting the lawsuit) and the court you want to defend yourself in the case and you want to get notice if anything else happens in the case.

You must file and serve your NOA on time even if you don't have legal help.

### **Tips for filling out Answer (NJP Housing 665)**

In the Complaint, the landlord or property owner makes statements about you and claims good (legal) reasons to end your tenancy. **The landlord or owner saying things about you in the complaint doesn't make them true.**

Your Answer is your chance to tell the court which of the landlord or owner's statements are true (should be **admitted**); which aren't true (should be **denied**); and which statements you don't know or understand, or can't remember if it's true (should be **denied for lack of knowledge or information**).

You can attach any proof (evidence) you have that will help convince the judge that your statements are true or more believable (credible). You may attach a

statement signed under penalty of perjury by yourself and/or other witnesses, called a **Declaration**. You may have photos, screenshots, emails, texts that prove why the statements in the Complaint aren't true.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

**Superior Court of Washington, County of \_\_\_\_\_**

**Petitioner / Plaintiff:**

No. \_\_\_\_\_

And Respondent / Defendant:

## Notice of Appearance

*(No mandatory form)*

## Notice of Appearance

**To:** Petitioner / Plaintiff or their Attorney (name): \_\_\_\_\_  
And to the Superior Court Clerk

1. **Appearance.** My name is: \_\_\_\_\_ I am filing this notice to appear in this case. I must be notified of any court hearings and receive copies of any papers filed in this case.

I agree to accept legal papers for this case at the following address/es:

*Street or mailing address*      *city*      *state*      *zip*  
 *Email (optional):*

2. **Proof of service.** I declare: on (date): \_\_\_\_\_, I served or will serve a copy of this Notice of Appearance to the Petitioner / Plaintiff or their Attorney named above by (check all that apply):

hand delivery  first class mail  certified mail to (address):

*Street or mailing address*      *city*      *state*      *zip*  
 **fax to:** \_\_\_\_\_  **email to:** \_\_\_\_\_  
(only if allowed by agreement, order, or your county's Local Court Rule)

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at (city and state): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

**Respondent / Defendant signs here**

*Print name*

## Superior Court of Washington, County of \_\_\_\_\_

Plaintiff/s (*landlord or owner*): \_\_\_\_\_ No. \_\_\_\_\_

vs.

Defendant/s (*tenant*):

No. \_\_\_\_\_

## Answer and Affirmative Defenses to Ejectment

(No mandatory form)

## Answer and Affirmative Defenses to Ejection

**Use this form to respond to the Complaint in an ejectment or quiet title action. Use this form together with a Notice of Appearance.**

**To the person filing the Answer:**

If you want the court to consider your side, you **must**:

- Have a copy of your papers served on all other parties or their lawyers AND
- File your original documents with the Superior Court Clerk (if the case has been filed).

## 1. Answer

Defendant answers the complaint as follows (read each numbered paragraph of the complaint and say below if you admit, deny, or don't know for each one):

**I admit** the statements in paragraph numbers: \_\_\_\_\_  
except for the following statements: \_\_\_\_\_

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**I deny** the statements in paragraph numbers: \_\_\_\_\_  
except for the following statements: \_\_\_\_\_

**I don't know** about the truth and so deny the statements in paragraph numbers:

## 2. Affirmative Defenses

Defendant/s other defenses are (*check all that apply, if any*):

**a. No reasonable notice**

- I never received a termination or vacate notice telling me to leave (demanding possession). *Najewitz v. City of Seattle*, 21 Wn.2d 656, 659, 152 P.2d 722, 723 (1944).
- I received a demand for possession (notice to terminate or vacate) but was not given a reasonable time to vacate. *Najewitz v. City of Seattle*, 21 Wn.2d 656, 659, 152 P.2d 722, 723 (1944).

**Explain (give details for any defenses checked in a.):**

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b. Ejectment lawsuit was not started properly

- Plaintiff started this case before the termination or vacate notice expired. *FPA Crescent Assoc. v. Jamie's LLC*, 190 Wn.App. 666, 678, 360 P.3d 934 (2015).
- The Summons and Complaint were not served properly (*check all that apply*):
  - I was never served the papers.
  - The papers were handed to someone who does not live with me.
  - The papers were handed to someone who was too young or didn't understand (someone who was not of suitable age and discretion).
  - The papers were posted on my door or mailed to me, but the Plaintiff did not try to have someone else hand them to me personally.
  - Plaintiff personally handed me the papers – they didn't have someone else do it.
  - Other problem with service (*specify*): \_\_\_\_\_

The Summons was defective because it did not give me enough time to respond. Washington Civil Rule 4(a)(2) and 12(a). (CR 12(a)(1) says I get 20 days to respond if I was personally served. CR 12(a)(2)-(3) says I get 60 days to respond if I was served by publication, out of state, or in a jail, detention, or prison facility.)

**Explain (give details for any defenses checked in b.):**

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**c. Plaintiff lacks standing to file the lawsuit**

Plaintiff does not own the property or have the authority or agency to eject me.

I have an ownership interest in the property.

Other: \_\_\_\_\_

**Explain (give details for any defenses checked in c.):**

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**d. This is a landlord-tenant situation. Ejectment is improper.**

**Residential.** Plaintiff and I have a landlord-tenant relationship for the rental of a residential dwelling unit controlled by the **Residential Landlord Tenant Act (RLTA)**, RCW 59.18. Plaintiff (landlord) has not complied with the provisions of the RLTA before starting this lawsuit. RCW 59.18.650, RCW 59.12.040.

**Mobile home.** Plaintiff and I have a landlord-tenant relationship for the rental of a mobile home lot/land controlled by the **Manufactured/Mobile Home Landlord Tenant Act (MHLTA)**, RCW 59.29. Plaintiff (landlord or mobile home park) has not complied with the provisions of the MHLTA before starting this lawsuit. RCW 59.20.080; RCW 59.12.040.

**Other tenancies.** Plaintiff and I have a landlord-tenant relationship for the rental of real property (building or land) for a term less than life controlled by **RCW 59.12, and (check all that apply):**

I had a rental agreement. We agreed my tenancy would end on (date): \_\_\_\_\_. My tenancy has not expired. RCW 59.12.030(1).

I had a month-to-month tenancy for an indefinite period. I never received a termination notice to end my tenancy. RCW 59.12.030(2).

I was not properly served a termination notice. RCW 59.12.030(2); RCW 59.12.040.

I received less than 20 days' notice to terminate my tenancy. RCW 59.12.030(2).

- Plaintiff claims I owe rent. I never received a 14-day pay or vacate notice. RCW 59.12.030(3).
- Plaintiff claims that I've failed to perform under the terms of our agreement. I never received a 10-day notice to perform or vacate. RCW 59.12.030(4).
- Plaintiff claims that I committed or permitted waste or nuisance. I never received a 3-day notice to quit. RCW 59.12.030(5).

**Explain (give details for any defenses checked in d.):**

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**e. Other**

- Other reasons I should not be ejected: \_\_\_\_\_

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**3. Attachments**

- None.
- In support of my statements, I am attaching the following evidence to this Answer (*list any documents, declarations, photos, correspondence, etc.*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Counterclaims**

- Reserved.** I may have counterclaims to bring against the Plaintiff in the future. I reserve my right to raise counterclaims later.
- Counterclaims.** Plaintiff owes me \$ \_\_\_\_\_ because (*explain*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Important!** If you want the court to consider your counter claim for damages against Plaintiff in this same lawsuit, you **must** pay the filing fee with the Superior Court Clerk **or** file a motion to ask a judge to waive the filing fee.

## 5. Request

I ask the court to (*check all that apply*):

- Dismiss** this lawsuit and enter a judgment against Plaintiff for any counterclaim, set-off, costs or attorney fees.
- Continue (delay) this case and appoint counsel** as Defendant is a low-income tenant under RCW 59.18, RCW 59.20, or RCW 59.12. Plaintiff filed this ejectment trying to avoid the right to counsel, which is against public policy.
- Give me a reasonable time to vacate**, allowing Defendant/s until (*date and time*): \_\_\_\_\_ to move out from the premises. Defendant/s ask the court to dismiss the lawsuit upon proof of Defendant/s vacating the premises.
- Order Limited Dissemination** based on the prejudicial value of an ejectment filing in tenant screening reports. See Seattle's *Union Gospel Mission v. Bauer*, 22 Wn. App. 2d 934, 514 P.3d 710 (2022).
- Other relief (specify):** \_\_\_\_\_

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Defendant asks the court to grant any other and further relief that this court deems just and equitable.

## 6. Proof of Service

I declare: on (*date*): \_\_\_\_\_, I served or will serve a copy of this Answer and Affirmative Defenses to Ejectment (including any attachments) to the Plaintiff or their attorney by (*check all that apply*):

- hand delivery**
- first class mail**
- certified mail** to (*address*):

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<i>Street or mailing address</i>	<i>city</i>	<i>state</i>	<i>zip</i>
<input type="checkbox"/> <b>fax to:</b> _____	<input type="checkbox"/> <b>email to:</b> _____	<i>(fax or email only if allowed by agreement, order, or your county's Local Court Rule)</i>	

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

► \_\_\_\_\_ *Defendant signs here* \_\_\_\_\_ *Print name* \_\_\_\_\_

I agree to accept legal papers for this case at (*check all that apply*):

- the following address (*this does not have to be your home address*):

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<i>Street or mailing address</i>	<i>city</i>	<i>state</i>	<i>zip</i>
<input type="checkbox"/> Email: _____			

## Court of Washington, County of

**Petitioner / Plaintiff:**

No.

**And Respondent / Defendant:**

Declaration of  
(name):

(DCLR)

(No mandatory form)

## Declaration of (name):

1. I am (check one):  the Petitioner / Plaintiff  the Respondent / Defendant  
 Other (relationship to people in this case): \_\_\_\_\_, age \_\_\_\_.

2. I declare:

*(Number any pages you attach to this Declaration. Page limits may apply.)*

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true.

I have attached (number): \_\_\_\_\_ pages.

Signed at (city and state): \_\_\_\_\_ Date: \_\_\_\_\_

A small black arrow pointing to the right, indicating the continuation of the list.

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*Sign here*

Print name