

Superior Court of Washington, County of _____

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

vs. Ejection

Defendant/s (*tenant*): *(No mandatory form)*

Answer and Affirmative Defenses to Ejection

Use this form to respond to the Complaint in an ejection 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: _____

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.):

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.):

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.):

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.):

e. Other

- Other reasons I should not be ejected: _____

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):** _____

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*):

<i>Street or mailing address</i>	<i>city</i>	<i>state</i>	<i>zip</i>
<input type="checkbox"/> fax to: _____		<input type="checkbox"/> email to: _____	
<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*):

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