

Superior Court of Washington, County of _____

Plaintiff/s (*landlord or owner*):

vs.

Defendant/s (*tenant*):

No. _____

Answer and Affirmative Defenses to
Ejectment

(*No mandatory form*)

Answer and Affirmative Defenses to Ejectment

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:

☐ **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):

Street or mailing address	city	state	zip
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- ☐ **fax to:** _____ ☐ **email to:** _____
(fax or email 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: _____

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*):

Street or mailing address	city	state	zip
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- ☐ Email: