

1 [YOUR NAME]
[YOUR ADDRESS]
2 [YOUR PHONE NUMBER]
[YOUR EMAIL ADDRESS]
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4 In Pro Per
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8 THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF [ENTER COUNTY NAME HERE]—UNLIMITED JURISDICTION

10 [NAME], an individual,
11 Plaintiffs

12 vs.

13 [NAME], and DOES 1-20,
14 Defendants.
15

CASE NO:

ASSIGNED TO:
THE HON.

**[DEFENDANT'S ANSWER TO
PARTITION LAWSUIT]**

SUIT FILED:

DEPT:

CMC:
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18 Defendant [Name] provides this Answer to Plaintiff [Name] Plaintiff') Complaint for
19 Partition over the property containing County of [Name] Assessor Parcel Number [INSERT]
20 that is the subject of this Action (the "Property"):

21 **GENERAL DENIAL**

22 Under Code of Civil Procedure section 431.30, subdivision (d), Defendant lacks information
23 and belief to either admit or deny, and thereby deny, the allegations in Paragraphs [SPECIFY] of
24 the Complaint.

25 Generally, [ALLEGE PROPERTY OWNERSHIP HERE AND INCLUDE SPECIFIC
26 FACTS RELATED TO PLAINTIFF'S OWNERSHIP CLAIMS]. As Separate and Affirmative
27 Defenses and Objections to the Complaint, Defendant alleges:
28

1 **AFFIRMATIVE DEFENSES**

2 **FIRST AFFIRMATIVE DEFENSE**

3 (Standing)

4 Defendant alleges that Plaintiff lacks standing to sue, which bars the the Complaint, each
5 purported cause of action, and any purported recovery in that [SPECIFY FACTS].

6 **SECOND AFFIRMATIVE DEFENSE**

7 (Necessary and Indispensable Parties Absent)

8 Defendant alleges that Plaintiff failed to join all necessary and indispensable parties required
9 for a full adjudication of this matter, which bars the the Complaint, each purported cause of action,
10 and any purported recovery in that [SPECIFY FACTS].

11 **THIRD AFFIRMATIVE DEFENSE**

12 (Equity)

13 Defendant alleges that the doctrines of estoppel, failure to do equity, laches, unclean hands,
14 or waiver bar the Complaint, each purported cause of action, and any purported recovery in that
15 [SPECIFY FACTS].

16 **FOURTH AFFIRMATIVE DEFENSE**

17 (Offset/ Claim for Contribution)

18 Defendant improved the Property, such that they have a right to an offset, or claim for
19 contribution or other adjustment, to the extent they improved the Property in that [SPECIFY
20 FACTS]

21 **FIFTH AFFIRMATIVE DEFENSE**

22 (Waiver of Partition)

23 Defendant alleges that the Plaintiff waived their right to partition, which bars the the
24 Complaint, each purported cause of action, and any purported recovery in that [SPECIFY
25 FACTS].

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1 **SIXTH AFFIRMATIVE DEFENSE**

2 (Reservation of Defenses)

3 Defendant currently lacks sufficient information or knowledge upon which to form a belief
4 as to whether it may have additional, as yet unstated, affirmative defenses. Thus, Defendant
5 reserves the right to assert additional affirmative defenses in the event that discovery indicates that
6 it would be appropriate.

7
8 **PRAYER**

9 Accordingly, Defendant prays that:

- 10 **1.** The Court not partition the Property and that Plaintiff take nothing from this Action;
- 11 **2.** In the event that the Court decrees a partition, that the Defendant receive value for
12 their offset/ claim for improvement;
- 13 **3.** For costs of suit incurred here;
- 14 **4.** The Court awards Defendant any other relief that it deems just and proper.

15
16 **REQUEST FOR JURY TRIAL**

17 The Defendant demands a trial-by-jury of all issues so triable.

18
19
20 DATED: March 22, 2022

Respectfully submitted,

21
22
23 By: _____
24 [SPECIFY]
25 Defendant
26 In Pro Per
27
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