

1 **AGUA CALIENTE BAND OF CAHUILLA INDIANS**  
2 **TRIBAL COURT**

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4  
5 ) Case No.  
6 ) (to be filled in by the Clerk's Office)  
7 )  
8 ) **VERIFIED ANSWER TO**  
9 ) **COMPLAINT FOR JUDGMENT OF**  
10 ) **FORCIBLE ENTRY AND/OR**  
11 ) **FORCIBLE DETAINER**  
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v. Plaintiff,  
Defendant.

13 I, \_\_\_\_\_, answer Plaintiff's complaint for entry of a  
14 judgment of forcible entry and/or forcible detainer under Agua Caliente Tribal Code  
15 Chapter 11.04.

16 The complaint and request for judgment is based on the following facts:

17 I. JURISDICTION

18 A. Subject Matter:

- 19 1. \_\_\_\_\_ I agree This case is brought under Agua Caliente Tribal Code  
20 Chapter 11.04.  
21 2. \_\_\_\_\_ I deny that this case is brought under Agua Caliente Tribal Code  
Chapter 11.04.

22 B. Personal: The Tribal Court has personal jurisdiction over the parties  
23 under Agua Caliente Tribal Code Section 2.60.030(b)(2)c.

24 1. Plaintiff

- 25 a. \_\_\_\_\_ I agree that Plaintiff \_\_\_\_\_ owns \_\_\_\_\_ leases \_\_\_\_\_ rents  
26 the property that is the subject of this lawsuit.  
27 b. \_\_\_\_\_ I deny that the Plaintiff \_\_\_\_\_ owns \_\_\_\_\_ leases  
28 \_\_\_\_\_ rents the property that is the subject of this lawsuit. The  
correct information is: \_\_\_\_\_  
\_\_\_\_\_.
- c. \_\_\_\_\_ I have no knowledge whether Plaintiff \_\_\_\_\_ owns

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\_\_\_\_\_ leases or \_\_\_\_\_ rents the property that is the subject of this lawsuit.

d. \_\_\_\_\_ I agree with Plaintiff's report of his current address and telephone number.

e. \_\_\_\_\_ I deny the Plaintiff's report of his current address and telephone number.

f. \_\_\_\_\_ I have no knowledge of the Plaintiff's report of his current address and telephone number.

2. Defendant

a. \_\_\_\_\_ I agree that I am currently in possession of the property named above.

b. \_\_\_\_\_ I deny that I am currently in possession of the property named above. The correct information is \_\_\_\_\_

c. \_\_\_\_\_ I agree with Plaintiff's report of my address and telephone number.

d. \_\_\_\_\_ I deny the Plaintiff's report of my address and telephone number. The correct information is: \_\_\_\_\_

II. FACTUAL BACKGROUND

A. \_\_\_\_\_ I agree that the property is \_\_\_\_\_ residential \_\_\_\_\_ commercial within the meaning of Agua Caliente Tribal Code Section 11.04.030.

\_\_\_\_\_ I deny that the Plaintiff's property is \_\_\_\_\_ residential \_\_\_\_\_ commercial.

\_\_\_\_\_ I have no knowledge of whether the property is \_\_\_\_\_ residential \_\_\_\_\_ commercial.

B. \_\_\_\_\_ I agree \_\_\_\_\_ deny that the property is: land within or beyond the exterior boundaries of the Reservation owned by any member of the Tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or

\_\_\_\_\_ I agree \_\_\_\_\_ deny that the property is: land is within the exterior boundaries of the Reservation owned by a member of any other federally recognized Indian tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or

\_\_\_\_\_ I agree \_\_\_\_\_ deny that the property is: land within or beyond the exterior boundaries of the Reservation owned by the Tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or

1 \_\_\_\_\_ I agree \_\_\_\_\_ deny that the property is: land within the exterior  
2 boundaries of the Reservation owned by the Tribe in fee simple; or

3 \_\_\_\_\_ I agree \_\_\_\_\_ deny that the property is: land within the exterior  
4 boundaries of the Reservation subject to the civil or criminal jurisdiction of the Tribe.

5 C. Forcible Entry

6 1. \_\_\_\_\_ I agree \_\_\_\_\_ deny that on or about the date listed in the  
7 complaint that I forcibly entered Plaintiff's dwelling or real property.

8 2. \_\_\_\_\_ I agree \_\_\_\_\_ deny that on or about the date listed in the  
9 complaint I broke into the property.

10 3. \_\_\_\_\_ I agree \_\_\_\_\_ deny that I entered the property by fraud,  
11 intimidation, stealth, violence, or circumstances of terror. The correct information is:  
12 \_\_\_\_\_

13 4. \_\_\_\_\_ I agree \_\_\_\_\_ deny Plaintiff's statement that I had permission to  
14 enter the property. The correct information is: \_\_\_\_\_  
15 \_\_\_\_\_

16 5. \_\_\_\_\_ I agree \_\_\_\_\_ deny Plaintiff's statement that on or about the date  
17 listed in the complaint, I used force, threats, or menacing conduct to turn the rightful  
18 occupants out of the property. The correct information is: \_\_\_\_\_  
19 \_\_\_\_\_

20 D. Forcible Detainer

21 1. I \_\_\_\_\_ agree \_\_\_\_\_ deny Plaintiff's statement that on the date listed in  
22 the complaint, I entered the property. The correct information is: \_\_\_\_\_  
23 \_\_\_\_\_

24 2. I \_\_\_\_\_ agree \_\_\_\_\_ deny Plaintiff's statement that on the date listed in  
25 the complaint I unlawfully entered the property at night or when the rightful occupants  
26 were not at the property. The correct information is: \_\_\_\_\_  
27 \_\_\_\_\_

28 3. I \_\_\_\_\_ agree \_\_\_\_\_ deny Plaintiff's statement that I received written  
notice to leave the property. The correct information is: \_\_\_\_\_  
\_\_\_\_\_

4. I \_\_\_\_\_ agree \_\_\_\_\_ deny that I have not left the property. The correct  
information is: \_\_\_\_\_  
\_\_\_\_\_

5. I \_\_\_\_\_ agree \_\_\_\_\_ deny Plaintiff's statement that I am currently using  
force, threats, or menacing behavior to keep the rightful occupants from the property.

1 The correct information is: \_\_\_\_\_  
2 \_\_\_\_\_.

3 6. I \_\_\_\_\_ agree \_\_\_\_\_ deny [Any other facts on which plaintiff seeks  
4 recovery] Agua Caliente Tribal Code Section 11.04.140(a)(2).

5 E. Claim for Damages or Compensation. Agua Caliente Tribal Code  
6 Section 11.04.140(a)(4).

7 1. I \_\_\_\_\_ agree \_\_\_\_\_ deny that I owe unpaid rent in the amount of  
8 \$\_\_\_\_\_. The correct information is: \_\_\_\_\_.

9 2. I \_\_\_\_\_ agree \_\_\_\_\_ deny that I owe repair costs to the property in the  
10 amount of \$\_\_\_\_\_. The correct information is: \_\_\_\_\_.

11 3. I \_\_\_\_\_ agree \_\_\_\_\_ deny that I owe additional actual damages in the  
12 amount of \$\_\_\_\_\_. The correct information is: \_\_\_\_\_.

13 4. I \_\_\_\_\_ agree \_\_\_\_\_ deny that I owe the other costs and/or fees  
14 requested by Plaintiff in the complaint. The correct information is: \_\_\_\_\_.

15 F. Notice to Defendant (Agua Caliente Tribal Code Section 11.04.070).

16 1. I \_\_\_\_\_ agree \_\_\_\_\_ deny that on the date named in the complaint I was  
17 served with a written notice to surrender the property. The correct information is:  
18 \_\_\_\_\_.

19 2. I \_\_\_\_\_ agree \_\_\_\_\_ deny that the notice was served on me in the  
20 following manner:

- 21 a. \_\_\_\_\_ delivering a copy to the defendant personally.  
22 b. \_\_\_\_\_ leaving a copy at the defendant's place of residence or his  
23 usual place of business with a person of suitable age and discretion and mailing a copy  
24 to the defendant at the property.  
25 c. \_\_\_\_\_ posting a copy in a conspicuous place at the property.

26 G. Defenses (Agua Caliente Tribal Code Section 11.04.160(c)(2))  
27 Set forth all defenses, if any, to the allegations of the complaint and all  
28 facts essential to supporting a particular defense:

III. RELIEF REQUESTED

A. I request that the Tribal Court:

1. \_\_\_\_\_ deny Plaintiff's request for entry of a judgment of  
forcible

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- detainer against me.
- 2. \_\_\_\_\_ deny Plaintiff's request for an entry of a judgment of forcible detainer against me.
- 3. \_\_\_\_\_ deny Plaintiff's request for an immediate writ of possession.

- B. I further request that the Tribal Court:
  - 1. \_\_\_\_\_ deny Plaintiff's request for entry of a judgment for restitution of the detained premises, actual damages, statutory damages, attorneys' fees, costs of suit, and/or rent due.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Filing Attorney or Landlord Pro Se

**LANDLORD VERIFICATION**

I am the Defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the Agua Caliente Band of Cahuilla Indians Tribe that the foregoing is true and correct.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 (Type or Print Name) (Signature of Defendant)