

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

3
4
5) Case No.
6) (to be filled in by the Clerk's Office)

7 Plaintiff,
8 v.) **VERIFIED ANSWER TO**
9) **COMPLAINT FOR JUDGMENT OF**
10) **UNLAWFUL DETAINER**
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
Defendant.

13 I, _____, answer Plaintiff's complaint for entry of a
14 judgment of unlawful detainer under Agua Caliente Tribal Code Section 11.04.240.

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

16 **I. JURISDICTION**

17 **A. Subject Matter:**

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

22 **B. Personal:** The Tribal Court has personal jurisdiction under Agua
23 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

_____ 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 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. Agreement with Defendant

6 1. _____ I agree _____ deny that on or about the date listed in the
7 complaint that I entered into a lease, sublease, or agreement, written or oral, for the use
8 and occupancy of a dwelling or real property.

9 2. _____ I agree _____ deny that the agreement was _____ written or _____
oral. The correct information is: _____.

10 3. _____ I agree _____ deny that the agreement allowed me to:
11 _____ lease the property.
12 _____ sublease the property. The correct information is: _____.

13 4. _____ I agree _____ deny Plaintiff's statement of the rental amount.
14 The correct information is: _____.

15 5. _____ I agree _____ deny Plaintiff's statement as to the rental period.
16 The correct information is: _____.

17 6. I _____ agree _____ deny that the agreement _____ did _____ did not
specify an end date for the defendant's tenancy.

18 7. I _____ agree _____ deny with the Plaintiff's reported termination date
19 of tenancy. The correct information is: _____.

20 D. Actions of Defendant:

21 1. I _____ agree _____ deny that I have not left the property, though the
22 lease period has expired. Agua Caliente Tribal Code Section 11.04.070(a)(1). The
23 correct information is: _____.

24 2. I _____ agree _____ deny that I have not left the property after default
25 in the payment of rent. Agua Caliente Tribal Code Section 11.04.070(a)(2). I _____
26 agree _____ deny Plaintiff's report as to the amount of unpaid rent. The correct
information is: _____.

27 3. I _____ agree _____ deny that I have neglected or failed to perform other
28 conditions of the lease, including any provision not to assign or sublet. Agua Caliente
Tribal Code Section 11.04.070(a)(3). The correct information is: _____.

1 4. I ____ agree ____ deny that I have not left the property after I
2 maintained, committed, or permitted the maintenance or commission of a nuisance
3 upon the property, or used the property for an unlawful purpose contrary to the
4 conditions of the lease. Agua Caliente Tribal Code Section 11.04.070(a)(4). The correct
5 information is: _____.

6 5. I ____ agree ____ deny that I have not left the property after I
7 provided written notice to the landlord of my intention to terminate the tenancy or
8 made a written offer to leave the property detained premises by a date specified in the
9 offer and the landlord accepted such offer but failed to deliver possession to the
10 landlord. Agua Caliente Tribal Code Section 11.04.070(a)(5). The correct information
11 is: _____.

12 6. I ____ agree ____ deny [Any other facts on which plaintiff seeks
13 recovery] Agua Caliente Tribal Code Section 11.04.140(a)(2).

14 7. I ____ agree ____ deny [Any circumstances of fraud, force, or violence
15 that may have accompanied the alleged forcible entry or forcible or unlawful detainer]
16 Agua Caliente Tribal Code Section 11.04.140(a)(3).

17 8. I ____ agree ____ deny ____ have no knowledge that the lease for
18 the detained premises was approved by the Indian landowner(s) and/or the Secretary of
19 the Interior. Agua Caliente Tribal Code Section 11.04.140(a)(6).

20 E. Claim for Damages or Compensation. Agua Caliente Tribal Code Section
21 11.04.140(a)(4).

22 1. I ____ agree ____ deny that I owes unpaid rent in the amount of
23 \$_____. The correct information is: _____.

24 2. I ____ agree ____ deny that I owe repair costs to the property in the
25 amount of \$_____. The correct information is: _____.

26 3. I ____ agree ____ deny that I owe additional actual damages in the
27 amount of \$_____. The correct information is: _____.

28 4. I ____ agree ____ deny that I owe the other costs and/or fees
requested by Plaintiff in the complaint. The correct information is: _____.

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

1. I ____ agree ____ deny that on the date named in the complaint I was
served with a Three (3) day notice. The correct information is: _____.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. I _____ agree _____ deny that the notice was served on me in the following manner:
a. _____ delivering a copy to the defendant personally.
b. _____ leaving a copy at the defendant's place of residence or his usual place of business with a person of suitable age and discretion and mailing a copy to the defendant at the rented or leased property.
c. _____ posting a copy in a conspicuous place at the rented or leased property.

3. I _____ agree _____ deny that the notice allowed me to retain possession of the property if:
a. _____ the back rent owed was paid within three (3) days of the notice.
b. _____ the defendant performs the conditions or covenants of the lease or rental agreement that was previously neglected or not performed.

4. I _____ agree _____ deny that I did not comply with the terms of the notice that would have allowed me to keep possession of the property.

G. Defenses (Agua Caliente Tribal Code Section 11.04.160(c)(2))
Set forth all defenses, if any, to the allegations of the complaint and all 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 unlawful detainer against me.
2. _____ 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, forfeiture of the lease if the proceeding involves an unlawful detainer action, 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)

////

////

////

////

////

////

////

////

////

////

////

////