

AFFIRMATIVE DEFENSE ____
Course of Conduct of Accepting Late Rent Payment

____ Defendant incorporates by reference, as if completely rewritten herein, the allegations set forth in the above paragraphs.

____ A landlord's repeated acceptance of late rent payments may establish a course of conduct between the parties that waives the tenant's obligation to pay rent by the due date specified in the rental agreement.

____ When a waiver occurs, the due date for the tenant's rent payments is established by the course of conduct between the parties.

____ The landlord has accepted rent late in the past on the following dates:

____ I have not received any written notice from the landlord stating that late rent will no longer be accepted as it was in the past.

____ Because the landlord delivered the notice to vacate before the due date established by the course of conduct, this case should be dismissed.

