Equity

Affirmative Defense to add to Form Answer Packet

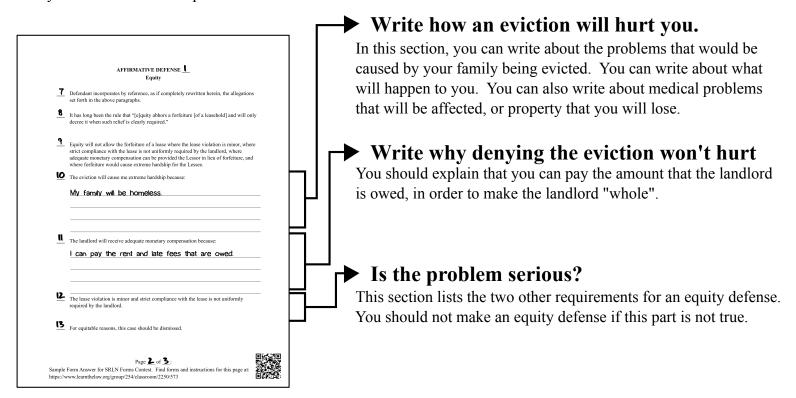
If you don't have any other defense to your eviction and you can pay the rent and late fees that you owe, you can make the "equity" Affirmative Defense. These instructions will show you how to file an Affirmative Defense page to be used with a Form Answer Packet. This Affirmative Defense form cannot be used without a Form Answer Packet.

What is an equity defense?

An "equity" defense asks the judge to basically ignore the law and do the right thing - not evict you because you will suffer an extreme hardship if you are evicted. Equity defenses are not likely to be successful. The decision whether to let you stay because of an equity defense is completely up to the judge.

When can't you make an equity defense?

An equity defense has no chance of working if you can't pay the landlord all the money you owe the landlord, including late fees. An equity defense also won't work if the landlord is evicting you for a serious problem, or if the landlord always insists on strict compliance with the lease.



Equity defenses are often unsuccessful.

Equity defenses are only a last-ditch effort to fight the eviction. If you are making an equity defense, you should be prepared to move. It's better to make an agreement with the landlord.

Add to the Form Answer Packet

This Affirmative Defense is only to be used with the Form Answer Packet, after the first page with the title. Number all the pages when you finish. The first number is the current page, and the second number is the total number of pages in the answer (not counting exhibits.)

The information in this publication is not legal advice. These instructions are created for the SRLN Forms Contest and are not intended for use at this time.

Last updated May 2017.