

Completing Form CAO 16-6 INSTRUCTIONS
ANSWER to Eviction Complaint

This document may be filed in response to a complaint filed against you by your landlord. You must answer each allegation in the Plaintiff(s)'s Complaint for Unlawful Detainer by either admitting or denying the allegation. You should have the complaint in front of you and read it very carefully to determine whether the statement made in the complaint is true and you will admit it, or false and you will deny it. Then you will check any box under the heading "Affirmative Defenses" that fits your facts. If part of a paragraph is true and part of it is false, you must specifically state which part is false.

Talk to An Attorney, if Possible. Warning: When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles this landlord/tenant cases.

Fill in the forms by typing or by printing neatly and legibly in black ink. Always keep a copy of the completed form for your records.

How to fill in this document:

- In the top left hand corner of the document you put your name on the first line and your address and zip code on the second and third lines. Put your phone number, including area code, on the fourth line.
- In the blanks in the heading of the document, make sure that you type in the judicial district and county as they are on the Complaint.
- Inside of the box in the heading type in landlord's name as the Plaintiff(s). Type your name as the Defendant(s). Type the names just as they are on the Complaint, even if they are misspelled.
- Type in the case number that was stamped on the Complaint.
- In paragraph 3, type in the number of the paragraphs from the Plaintiff/landlord's Complaint you admit are true. Type "none" if there aren't any paragraphs that are true,
- In paragraph 4, type in the numbers of the paragraphs from the Plaintiff's Complaint that are false. Type "none" if there aren't any paragraphs that are false.
- In paragraph 5, type in the number of any paragraph in which you agree with some portion of the Plaintiff/landlord's statements and deny another portion. You need to specifically state what you disagree with on the lines provided. There is room on the form for two such partial admissions/denials.

- Affirmative Defenses: Read each affirmative defense carefully to determine whether or not it fits your situation. Place a check mark in the box(es) beside every affirmative defense you are claiming.
- Verification: Type your name on the line starting with “I” and after “personally appeared”.
- Certificate of Service: Type the name and address of the person whose name and address are on the 1st page of the Complaint (upper left).
- Signature: Leave the spaces for the State and County blank. Go to an office where there’s a Notary. Have the notary fill in the spaces. Sign the Complaint in front of the Notary and have your signature notarized.
- Mail or deliver a copy of the signed Answer form to the Plaintiff/landlord or Plaintiff’s/landlord’s attorney. Then take the original to the magistrate clerk’s office for filing. You can also take one copy which the Clerk will stamp and return to you showing the date and time you filed your Answer with the Court. The Court will keep the original. Be prepared to pay a filing fee. You might want to contact the clerk’s office first to see how much money you need to bring with you. The clerk’s office requires cash or a money order. If you cannot afford to pay the filing fee, contact the Court Assistance Office for the Motion and Affidavit for Fee Waiver (CAO 1-10A) and Order re Fee Waiver (CAO 1-10B). Be prepared to pay the filing fee if your request for a fee waiver is denied
- Attend the trial at the time scheduled—BE ON TIME. Please refer to CAO Instruction 12, Guidelines for Courtroom Behavior.

Procedures at Trial: At the trial, the property owner (Plaintiff/landlord) must present testimony under oath and provide exhibits establishing a right to a Judgment and Order for eviction. In the eviction case, the Plaintiff is entitled to only an order of eviction and the costs of the lawsuit, not a judgment for money damages (rent, late fees, damages to property). Costs the judge can award the Plaintiff include the amount of money it cost to file the case, costs of serving you with the Summons and Complaint and the Plaintiff attorney fees (if any). You will be called upon to present testimony under oath and provide exhibits (proof of payment, receipts, or other proof that you do not owe the money as stated by the Plaintiff/landlord) establishing why you should not be evicted for non-payment of rent. You will not be ordered to move from your rental premises if the Judge rules in your favor. However, if the court rules against you the following is likely to happen:

- a. At the end of the trial the Plaintiff/landlord will deliver three copies of the Judgment and Order of Eviction to the Judge. If you are not present, the Court Clerk will mail you a conformed copy of these documents. If you are present, they will be given to you at the conclusion of the trial.
- b. The Plaintiff/Landlord will have the Court Clerk issue a Writ of Restitution of Premises directing the local Sheriff to remove you and your belongings from the property, and collect any costs and fees award.

Full Name of Party Submitting This Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone Number

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
_____,
Plaintiff(s),
vs.
_____,
_____,
Defendant(s).

Case No.: _____

ANSWER IN RESPONSE TO COMPLAINT
FOR EVICTION
(EXPEDITED PROCEEDING)

Fee Category:
Filing Fee:

The Defendant(s) answer(s) Plaintiff(s)' Complaint as follows:

1. Defendant denies each and every allegation of the Complaint unless specifically admitted herein.
2. Defendant admits paragraphs _____ of the Complaint.
3. Defendant denies paragraphs _____ of the Complaint.
- [] 4. Defendant denies the portion of paragraph _____, which states as follows: _____

and Defendant admits the remaining portion of that paragraph.

Defendant denies the portion of paragraph _____, which states as follows: _____

_____ and Defendant admits the remaining portion of that paragraph.

AFFIRMATIVE DEFENSES

1. Plaintiff(s) knew at the time he/she/they entered into the rental agreement with me/us that the premises were uninhabitable.

2. I/we paid my/our rent.

3. A Three-Day Notice was not served upon me/us as required by Idaho Code §§ 6-303 and 6-304.

4. The Complaint was filed and Summons issued before the end of the Three-Day Notice period in which to pay rent or move.

5. The 3-Day Notice fails to state the amount of rent owed.

6. I am being evicted in retaliation for requesting repairs.

7. I tried to pay rent before the time period of the 3-Day Notice expired and the Plaintiff refused my payment.

Defendant(s) request(s) the following relief:

1. The complaint be dismissed;
2. Defendant(s) be allowed to remain as a tenant;
3. Defendant(s) be awarded costs and fees.

DATE: _____
_____ Defendant

AFFIDAVIT OF SERVICE

State of Idaho)
) ss.
County of _____)

I swear I served a copy to: (name all parties in the case other than yourself)

(Name)

[] By United States Mail

(Street or Post Office Address)

[] By fax

(City, State, and Zip Code)

[] By personal delivery

[] By overnight mail/Federal Express

(Name)

[] By United States Mail

(Street or Post Office Address)

[] By fax

(City, State, and Zip Code)

[] By personal delivery

[] By overnight mail/Federal Express

Date: _____

Signature

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

Notary Public for Idaho
Residing at: _____
My commission expires: _____