

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <b>Ellis McDonald</b> <b>459 Turk Street, #112</b> <b>San Francisco, CA 94102</b>		TELEPHONE NO.: no phone	FOR COURT USE ONLY  <b>FILED</b> San Francisco County Superior Court  FEB 3 - 2006  <b>GORDON PARK-LI, Clerk</b> BY: <i>[Signature]</i> Deputy Clerk
ATTORNEY FOR (Name) Defendant In Pro. Per.		NAME OF COURT: SUPERIOR COURT -- LIMITED JURISDICTION	
STREET ADDRESS: 400 McAllister Street, Room 103		MAILING ADDRESS: San Francisco, CA 94102	
CITY AND ZIP CODE: San Francisco, CA 94102		BRANCH NAME:	
PLAINTIFF: <b>Tenderloin Housing Clinic, Inc.</b>		DEFENDANT: <b>Ellis McDonald, et al.</b>	
<b>ANSWER—Unlawful Detainer</b>		CASE NUMBER: <b>616902</b>	

1. Defendant (names): **Ellis McDonald**

answers the complaint as follows:

2. Check ONLY ONE of the next two boxes:

- a.  Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000).
- b.  Defendant admits that all of the statements of the complaint are true EXCEPT  
 (1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(1).

- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(2).

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3j).)

- a.  (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b.  (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c.  (nonpayment of rent only) On (date): \_\_\_\_\_, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d.  Plaintiff waived, changed, or canceled the notice to quit.
- e.  Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f.  By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.
- g.  Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): **San Francisco Residential Rent Stabilization and Arbitration Ordinance, June 1979, as amended.**  
 (Also, briefly state the facts showing violation of the ordinance in item 3j.)
- h.  Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i.  Other affirmative defenses are stated in item 3j.

(Continued on reverse)

PLAINTIFF (Name): <u>Tenderloin Housing Clinic, Inc.</u>	CASE NUMBER
DEFENDANT (Name): <u>McDonald, et al.</u>	<u>616902</u>

3. AFFIRMATIVE DEFENSES (cont'd)

j. Facts supporting affirmative defenses checked above (identify each item separately by its letter from page one):

Retaliation because I am an organizer; discrimination because of sexual orientation; Rent Ordinance violation because Landlord's dominant motive is not one allowed.

(1)  All the facts are stated in Attachment 3j. (2)  Facts are continued in Attachment 3j.

4. OTHER STATEMENTS

a.  Defendant vacated the premises on (date): no longer there, officially agreed surrendered

b.  The fair rental value of the premises alleged in the complaint is excessive (explain): as of Monday, Feb. 6, 2006.

c.  Other (specify): Defendant(s) seek(s) credit for security deposit plus interest, in an amount according to proof. Today the manager agreed

that he considered the keys handed-in and that I had surrendered, effective Monday, Feb. 6, 2006.

5. DEFENDANT REQUESTS

a. that plaintiff take nothing requested in the complaint.

b. costs incurred in this proceeding.

c.  reasonable attorney fees.

d.  that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

e.  other (specify): such other and further relief as the Court deems just and proper.

6.  Number of pages attached (specify):

UNLAWFUL DETAINER ASSISTANT (Business and Professions Code sections 6400-6415)

7. (Must be completed in all cases) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from an unlawful detainer assistant, state):

a. Assistant's name:

b. Telephone No.:

c. Street address, city, and ZIP:

d. County of registration:

e. Registration No.:

f. Expires on (date):

Ellis McDonald  
(TYPE OR PRINT NAME)

Ellis McDonald  
(SIGNATURE OF DEFENDANT OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Feb. 3, 2006

Ellis McDonald  
(TYPE OR PRINT NAME)

Ellis McDonald  
(SIGNATURE OF DEFENDANT)

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S)

Ellis McDonald  
459 Turk Street, #112  
SF, CA 94102

ATTORNEY(S) FOR Defendant In Pro. Per.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco

Tenderloin Housing Clinic,  
Inc.

PLAINTIFF(S)

vs  
Ellis McDonald, et al.

DEFENDANT(S)

CASE NUMBER

616902

PROOF OF SERVICE BY MAIL  
-CCP 1013a, 2015.5

I declare that:

I am (a resident of/employed in) the county of San Francisco, California.  
(County where mailing occurred)

I am over the age of eighteen years and not a party to the within cause; my (business/residence) address is: E.D.C.  
995 Market St., #1200; San Francisco, CA 94103

On Feb. 3, 2006, I served the within Answer and ~~Interrogatory~~ Demand (LJB)  
(Date)

on the Plaintiff

in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, CA addressed as follows:

John P. Zanghi, Esq.  
703 Market St., #1600  
San Francisco, CA 94103

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on Feb. 3, 2006 at San Francisco, California.  
(Date) (Place)

Carol Bettencourt  
(Type or Print Name)

Carol Bettencourt  
(Signature)