



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CUD-15-651038

Filing Date: Jan-07-2015 8:30

Filed by: CAROL BALISTRERI

Juke Box: 001 Image: 04745140

ANSWER

1656 LEAVENWORTH STREET, LLC VS. BLAKE SCHAFFELD ET AL

001C04745140

Instructions:

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Emily Camacho, Blake Schaffeld 1656 Leavenworth st, apt #6 SF, CA 94109		FOR COURT USE ONLY
TELEPHONE NO.: 714.488.8474 E-MAIL ADDRESS: emily.camacho77@gmail.com ATTORNEY FOR (Name):		FAX NO.:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <u>LIMITED CIVIL JURISDICTION</u>		<u>SAN FRANCISCO COUNT</u> <u>400 McAllister St.</u> <u>#103</u> <u>SAN FRANCISCO CA 94102</u>
Plaintiff: 1656 Leavenworth Street, LLC Defendant: Blake Schaffeld, Emily Camacho		JAN 07 2015 CLERK OF THE COURT <i>Caroline DeGuzman</i> Deputy Clerk
ANSWER—UNLAWFUL DETAINER		CASE NUMBER: CUD-15-651038

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs): *Emily Camacho, Blake Schaffeld*
 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 (state paragraph numbers from the complaint or explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 2b(1).
 item 17 (c) past-due rent of 2,075 has been paid in full as plaintiff accepted rent from defendant that covers the period of time stated.
- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or on form MC-025):
 Explanation is on MC-025, titled as Attachment 2b(2).
3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in item 3k (top of page 2).)
- 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 the 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):
 (Also, briefly state in item 3k the facts showing violation of the ordinance.)
- h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. Plaintiff seeks to evict defendant based on acts against defendant or a member of defendant's household that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (A temporary restraining order, protective order, or police report not more than 180 days old is required naming you or your household member as the protected party or a victim of these crimes.)
- j. Other affirmative defenses are stated in item 3k.

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3. AFFIRMATIVE DEFENSES (cont'd)

- k. Facts supporting affirmative defenses checked above (*identify facts for each item by its letter from page 1 below or on form MC-025*):
 Description of facts is on MC-025, titled as Attachment 3k.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
 b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or on form MC-025*):
 Explanation is on MC-025, titled as Attachment 4b.
 c. Other (*specify below or on form MC-025 in attachment*):
 Other statements are on MC-025, titled as Attachment 4c.

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 below or on form MC-025*):
 All other requests are stated on MC-025, titled as Attachment 5e.
 Drop all motions to evict

6. Number of pages attached: 1

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code §§ 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 code:
 d. County of registration: e. Registration No.: f. Expires on (*date*):

(*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.*)

Blake Schaffed

(TYPE OR PRINT NAME)

1/16/15

(SIGNATURE OF DEFENDANT OR ATTORNEY)

Emily Camacho

(TYPE OR PRINT NAME)

1/16/15

(SIGNATURE OF DEFENDANT OR ATTORNEY)

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:

Emily Camacho 1/16/15

(TYPE OR PRINT NAME)

D. EY

(SIGNATURE OF DEFENDANT)

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ATTACHMENT (Number): 3k

(This Attachment may be used with any Judicial Council form.)

past-due rent of 2,075 has been paid in full as plaintiff accepted rent from defendant after the date the noticed to quit expired. Plaintiff has no outstanding balances.

By accepting payment, plaintiff has waived, changed or canceled the notice to quit.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____
(Add pages as required)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Emily Camacho, Blake Schaffeld 1656 Leavenworth St, apt #46 SF, CA 94104 TELEPHONE NO.: 714.488.8474 FAX NO. (Optional): E-MAIL ADDRESS (Optional): emily.camacho22@gmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: San Francisco Superior Court MAILING ADDRESS: Civic Center Courthouse CITY AND ZIP CODE: 400 McAllister Street, Room 103 BRANCH NAME: San Francisco, CA 94102-4514		
PLAINTIFF/PETITIONER: 1656 Leavenworth St LLC		
DEFENDANT/RESPONDENT: Blake Schaffeld, Emily Camacho		CASE NUMBER: CUD-15-651038
PROOF OF SERVICE—CIVIL		
Check method of service (only one):		
<input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service		
(Do not use this proof of service to show service of a Summons and complaint.)		

1. At the time of service I was over 18 years of age and not a party to this action.

2. My residence or business address is: 1801 Gough St apt 403
San Francisco, CA 94109

3. The fax number or electronic service address from which I served the documents is (complete if service was by fax or electronic service):

4. On (date): 1/6/15. I served the following documents (specify): Answer - Unlawful Detainer
Answer - Unlawful Detainer

The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

5. I served the documents on the person or persons below, as follows:

a. Name of person served: 1656 Leavenworth LLC, Edward C. Singer, Sr.

b. (Complete if service was by personal service, mail, overnight delivery, or messenger service.) Zachs & Friedman P.C.

Business or residential address where person was served:

235 Montgomery St. Suite 400 San Francisco, CA 94104

c. (Complete if service was by fax or electronic service.)

(1) Fax number or electronic service address where person was served:

500 Washington St. No. 475
San Francisco, CA 94111

(2) Time of service: 11:32am

The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

6. The documents were served by the following means (specify):

a. By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

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6. b. By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state):

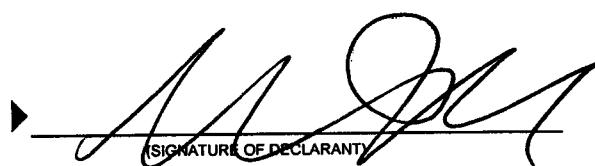
- c. By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. By electronic service. Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/6/15

Michael Madari

(TYPE OR PRINT NAME OF DECLARANT)



SIGNATURE OF DECLARANT

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)