

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

Petitioner: _____ Case No. _____

v.

Respondent: _____

**ANSWER: WRONGFUL OCCUPATION OF
RESIDENTIAL RENTAL PROPERTY OR FACTORY-BUILT HOME SITE**

(WV Code §§ 55-3A-2, 50-4-9, 55-3B-4, 55-3B-5, Mag. Court Civil Rules 4, 5, 8, 9)

I, the respondent in the above case, answer the allegations in the petition by

- admitting the matters set forth in the petition and confessing judgment; or
- denying the matters set forth in the petition; or
- admitting in part and denying in part the matters set forth in the petition;

and (if applicable)

- raising defense(s) explained below:
 - the premises are defective and violate the warranty of habitability as described below;
 - the action was filed in retaliation for complaints I made about the premises as described below;
 - the duty to pay rent depended on an express or implied covenant or warranty described below which the landlord breached;
 - other as described below;
 - asserting a counterclaim explained below;
 - asserting a cross-claim explained below;

and further state

_____.

_____/_____/_____
Date Respondent's Signature Respondent's Phone Number

Respondent's Address

Notice to Respondent: One copy of this answer must be filed with the court and one copy must be delivered by hand or mailed to the attorneys for all other parties or to the parties themselves if they are not represented by attorneys.

CERTIFICATE OF SERVICE

I, _____, hereby certify that I have served a copy of the above answer on the attorneys for all parties, or if such parties are not represented by attorneys, to the parties themselves on the _____ day of _____, 20____ by hand / by first-class mail to:

Name and address of attorneys or parties served:

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

Name, Address & Phone Number of Plaintiff:

Case No. _____

v.

Name, Address & Phone Number of Defendant

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CIVIL COMPLAINT

The above-named plaintiff or _____, on behalf of the plaintiff acting in the capacity of _____, alleges the following as true and accurate [give a clear and simple statement of the claim against the defendant(s)]: _____

and requests the following relief from the court: _____

Signature

Date

NOTICE: Any party in a civil action seeking over \$20.00 or possession of real estate has the right to elect that the case be tried by a jury. You must give written notice to the magistrate court either 20 days from when the first timely answer to the complaint is made or 5 days from when service of the summons and complaint is made for unlawful entry and detainer actions. If you do not notify the magistrate court within the appropriate time period, you give up your right to a jury trial. The jury fee will be assessed against the losing party if the case is tried by a jury or may be prorated between the parties if the case is settled before trial.

(OPTIONAL) NOTICE OF ELECTION:

As plaintiff in the above action, I wish to have a jury trial.

Signature

Date

NOTICE: Any person involved in court proceedings who has a disability and needs special accommodations should inform the court sufficiently in advance so that arrangements can be made if possible.

W.Va. Code §§ 50-4-1, 50-5-8(a); Mag. Ct. Civ. Rules 2, 6A

SCA-M207 / 10-94

Docket Code(s): (\$MCIC0 | \$MCIC1 | \$MCIC2 | \$MCIC3 | \$MCIC4)

- Return
- Defendant
- File
- Plaintiff