

CAUSE OF ACTION FOR BREACH OF CONTRACT

Sample Only
Use At Your Own Risk



INSTRUCTIONS: The following is a “cause of action” to be inserted after the heading of the complaint and common allegations. Include as many other causes of action as you have claims such as fraud, accounting, etc. Your “prayer” (request for relief) comes after your causes of action and must describe the relief you are seeking for each cause of action.

_____ **[FIRST, SECOND, ETC.] CAUSE OF ACTION**

(For Breach of _____ **[Written or Oral]** Contract Against _____ **[Name Defendants]**)

<>. **[Use if there are previous causes of action]** Plaintiff refers to and incorporates herein by this reference each and every allegation contained in Paragraphs ___ through ___, inclusive **[reference all previous paragraphs]**, of this Complaint as though fully set forth herein.

<>. **[If a written contract]** On or about ___, 20___, in the City of ___, County of ___, State of California, Plaintiff and Defendant(s) entered into a written agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof. By the terms of said written agreement, ___ **[Describe essential terms]**.

Or

<>. **[If an oral contract]** On or about ___, 20___, in the City of ___, County of ___, State of California, Plaintiff and Defendant(s) entered into an oral agreement. By the terms of said oral agreement, ___ **[Describe essential terms]**.

Continue

<>. The consideration set forth in the agreement was the fair and reasonable.

<>. Plaintiff has performed all conditions, covenants, and promises required by him on his part to be performed in accordance with the terms and conditions of the

contract.

<>. On or about ____, 19__ the Defendant(s) breached the said agreement by _____ [Describe how the contract was breached].

<>. By reason of Defendant(s)' breach of said contract as herein alleged, the Plaintiff has suffered damages in the sum of \$_____.

<>. [If Plaintiff is represented by an attorney] By the terms of said written agreement, the Plaintiff is entitled to recover reasonable attorney fees incurred in the enforcement of the provisions of the agreement. By reason of the aforementioned breach of the Defendant(s), the Plaintiff has been forced to secure the services of the legal firm of _____ [Attorney or firm name]. to prosecute this lawsuit.

[Continue with more causes of action if necessary and include the following language in the prayer (request for relief) at the end of the complaint]]

WHEREFORE, Plaintiff prays judgment against Defendant(s) and each of them, as follows:

<>. For compensatory damages in the sum of \$_____;

<>. For interest on the sum of \$___ from and after ____, 20__ to date of judgment;

<>. [If represented by and attorney] For reasonable attorney fees according to proof;

<>. For costs of suit herein incurred; and

<>. For such other and further relief as the court may deem proper.

Date: _____

_____ [Plaintiff's name]
Plaintiff *In Pro Per*

Gene Kinsey Kinsey Law Offices 1198 Pacific Coast Hwy., Suite 353 Seal Beach, CA 90740	Phone: (562) 596-8177 Email: KinseyE@ix.netcom.com Web: www.kinseylaw.com www.realpropertypartition.com
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