



**CAUSE OF ACTION
FOR RESCISSION
BASED ON FRAUD**

**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.

_____ **CAUSE OF ACTION**
(For Rescission Against _____)

[---ALTERNATIVE ALLEGATIONS---]

<>. On or about ____, 19__, in ____, California, plaintiff__ and defendant__ entered into a written [---or oral---] contract whereby plaintiff__ and defendant__ agreed ____.

<>. On or about ____, defendant__, with intent to deceive plaintiff__ and to induce __ to enter into said contract, [--set forth representation, falsity, defendant's knowledge---]. Plaintiff, in reasonable reliance thereon, entered into said contract

<>. Under the terms of the contract, plaintiff has ____ [---facts showing P's performance, excuse for nonperformance, impossibility---], and plaintiff has [---describe consideration supplied by plaintiff---].

<>. Under the terms of the contract, defendant has [---facts showing defendant's nonperformance---]

<>. Plaintiff__ had no knowledge of said injury cause to __ by defendant__ until on or about ____, 19__, at which time _____.

[---EITHER---]

<>. Plaintiff intends service of summons of this complaint to serve as notice of rescission of the aforementioned contract, and hereby offers to restore all consideration furnished by defendant___ under said contract, on condition that defendant restore to ___ the consideration furnished by plaintiff___ in the sum of \$_____.

[---OR---]

<>. On or about ____, 19__, plaintiff__ notified defendant___ in writing that ___ had rescinded said contract on the ground of ___ and offered to restore to defendant___ all consideration given by ___ on condition that defendant___ restore to plaintiff___ the consideration advanced by ___ in the sum of \$_____. Defendant___ refused, and does now refuse, to return said consideration [---or to recognize that said contract has been rescinded----].

<>. Plaintiff___ will suffer irreparable and substantial harm if consideration furnished by ____, in the sum of \$_____, with interest thereon at the rate of ten percent per annum from ____, 19__, the date of rescission, is not restored, in that _____.

WHEREFORE, plaintiff__ pray__ judgment against defendant__ and each of them, as follows:

1. A determination by the Court that said contract has been rescinded and ordering restitution of the consideration paid [---or given----] by plaintiff___ in the sum of \$_____, with interest at the rate of ten percent per annum from ____, 19____
2. For costs of suit herein incurred.

3. For such other and further relief as the Court deems 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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