

CAUSE OF ACTION FOR RECISSION FOR FAILURE OF CONSIDERATION

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 _____ Against _____)

<>. On or about ____, 19____, plaintiff__ and defendant__ entered into a written contract by the terms of which plaintiff__ was__ to ____ and defendant__ was__ to _____. [---A copy of said contract is attached hereto and incorporated herein by reference as Exhibit "_____".

<>. On or about ____, 19____, plaintiff ____, and thereby performed everything required by the contract to be performed by _____.

<>. On or about ____, 19____, plaintiff__ discovered that the consideration for said agreement had failed in that _____.

<>. On or about ____, 19____, by written notice to defendant____, a copy of which is attached hereto as Exhibit "_____" and made a part hereof, plaintiff__ rescinded the contract for failure of consideration and demanded restitution of _____.

<>. Defendant__ has__ failed and refused, and continues__ to fail and refuse, to restore to plaintiff__ the consideration paid by ____ or any part thereof.

<>. By reason of defendant__' failure to restore the consideration paid by plaintiff__, plaintiff__ has__ been damaged in the sum of \$_____, together with interest thereon at the rate of ten percent per annum from _____, 19_____.

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 A determination by the Court that said contract has been rescinded and ordering restitution of the consideration paid [---or given----] by plaintiff__ in the sum of \$____, with interest at the rate of ten percent per annum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

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