

COMPLAINT FOR DAMAGES AND INJUNCTION FOR TRESPASS

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 CAUSE OF ACTION

(Trespass Against ____)

5. On or about _____ [date], plaintiff was in possession of certain real property situated at _____ [address], _____ [city], _____ County, California, which is described as follows: _____ [give legal description of property].

6. On _____ [date specified in paragraph 5], _____ [where period of plaintiff's use is relevant to value of property or some other aspect of plaintiff's damages: and for a period of _____ (specify, such as three years) before that date], plaintiff was using the property described in paragraph 5 as _____ [specify use].

7. On or about _____ [date specified in paragraph 5], defendants, without the consent or authority and against the will of the plaintiff, entered onto the property described in paragraph 5 as follows: _____ [describe in detail defendants' entry on property and, if appropriate, designate type or kind and number or quantity of items or material left on property by defendants].

8. The effect of defendants' conduct, as described in paragraph 7 of this complaint, has been _____ [describe effect of conduct that has produced irreparable damage to plaintiff, for example, to prevent plaintiff's ingress to and egress from the property described in paragraph 5, resulting in the complete exclusion of the plaintiff from the plaintiff's land].

9. Plaintiff advised defendants on _____ [date], by _____ [describe method of notice] that defendants were trespassing on plaintiff's land without any right or authority to do so, and without plaintiff's consent. Plaintiff further demanded that defendants leave plaintiff's property immediately and refrain from any further entry on the property.

10. On or about _____ [date], defendants again entered plaintiff's land against plaintiff's will and without plaintiff's consent, and _____ [describe further and continuing acts of damaging conduct by defendant].

11. Defendants threaten and assert that they will continue to trespass, and therefore continue to deprive plaintiff of plaintiff's right to exclusive possession of the property. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that unless restrained by this court, defendants will continue to trespass against plaintiff's property. Such trespassory conduct by defendants will result in irreparable harm to plaintiff, in that _____ [describe irreparable nature of injury, such as it will not only deprive plaintiff of access to the land, but if left unrestrained, will result in the imposition of a servient easement in favor of defendants across the land, thereby posing a threat to plaintiff's good and marketable title to the property. The potential damages that could proximately result from defendants' continued trespass would be extremely difficult, if not impossible, to assess accurately].

12. _____ [If applicable, add: Defendants' continuing trespassory conduct, as alleged in this complaint, will require plaintiff to bring a multiplicity of actions to

protect plaintiff's property interests, thereby rendering plaintiff's remedy at law inadequate.]

13. As a result of defendants' conduct, as alleged in this complaint, plaintiff has been deprived of the use of the property for a period of _____ [specify period of time], to plaintiff's damage in the approximate sum of \$_____.

14. _____ [If appropriate, allege facts indicating fraud, malice, or oppression to provide basis for recovery of punitive damages.]

15. _____ [If appropriate, allege facts indicating defendants' trespass occurred on lands either under cultivation or intended or used for the raising of livestock, providing basis for recovery of attorney fees pursuant to Code of Civil Procedure section 1021.9.]

16. _____ [If appropriate, allege basis for recovery of damages for emotional distress.]

Wherefore, plaintiff requests judgment against defendants, and each of them, as follows:

1. Defendant be enjoined during the pendency of this action, and permanently thereafter, from _____ [state conduct to be enjoined with sufficient specificity for injunction to issue];

2. General damages in the amount of \$_____;

3. _____ [If appropriate, add: Punitive damages in the amount of \$_____];

4. _____ [If appropriate, add: Damages for emotional distress _____ (in the amount of \$_____ or, if the action is brought in superior court in an amount to be established by proof at trial);]

5. _____ [If appropriate add: Attorney fees pursuant to Code of Civil

Procedure section 1021.9 in the amount of \$_____;]

6. Costs of suit; and

7. Any other and further relief that the court considers proper.

Date: _____

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

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