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CLIFFORD R. HORNER, who rewrote chapter 19 in 1999 and provided update material for that chapter in 2000–2002, received his J.D. from the University of California, Hastings College of the Law in 1991. He is a former partner with Morgan, Miller & Blair, Walnut Creek, where he specialized in commercial landlord-tenant and general real estate law. Currently he is a partner with the firm of ...

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" Code of Civil Procedure § 1161(2) prevents the landlord from claiming rent due more than a year before the service of the 3-day notice. See Fifth & Broadway Partnership v Kimny, Inc. (1980) 102 CA3d 195, 202. An argument could also be made on the ground of laches that it is inequitable for a landlord to wait a full year before demanding overdue rent.

~~California Eviction Defense Manual by Myron Moskovitz~~

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As indicated above, the fundamental eviction defense response is the Answer. The Answer holds all the defenses that a defendant will make to challenge the allegations in the UD complaint. A defendant ' s entire case, its arguments, defenses, and demands for recovery, are included in the Answer.

~~Eviction Defense Guide - End Eviction~~

California Eviction Defense Manual 2ed., by Myron Moskovitz and Bay Area Legal Aid (May 1998 CEB) (hereinafter, EDM). California Residential Landlord-Tenant Practice by Myron Moskovitz (1998 CEB) (hereinafter, Moskovitz II). California Practice Guide: Landlord-Tenant by Terry Friedman, David Garcia, and Mark Hagarty (2005 TRG)(hereinafter, Friedman & Garcia). This publication is particularly ...

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