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11 SYCAMORE CANYON VILLAGE ASSOCIATION

12 COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF VENTURA

14 THEODORE M. SULLIVAN and PAULA C.
15 SULLIVAN,

16 Plaintiffs,

17 vs.

18 WOOD RANCH SYCAMORE CANYON
19 VILLAGE ASSOCIATION, a California nonprofit
20 mutual benefit corporation; and DOES 1 through 25,
21 inclusive,

22 Defendants.

Case No.: 56-2011-00395532-CU-CO-SIM

[Hon. David R. Worley, Dept. S-3]

ANSWER TO SECOND
AMENDED COMPLAINT

Complaint Filed: April 8, 2011

23 Defendant WOOD RANCH SYCAMORE CANYON VILLAGE ASSOCIATION (referred
24 to herein as "this answering Defendant"), severing itself from each and every other defendant,
25 hereby answers the Second Amended Complaint of THEODORE M. SULLIVAN and PAULA C.
26 SULLIVAN (collectively "Plaintiffs") as follows:

27 1. Pursuant to the provisions of *California Code of Civil Procedure* Section 431.30, this
28 answering Defendant denies generally and specifically, each and every allegation contained in the
unverified Second Amended Complaint herein, and the whole thereof.

FIRST AFFIRMATIVE DEFENSE

2. The Second Amended Complaint and each of the purported causes of action
contained therein fails to state facts sufficient to constitute a cause of action against this answering

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ELEVENTH AFFIRMATIVE DEFENSE

12. The damages claimed by Plaintiffs, or to which Plaintiffs are entitled to recover, if any, are de minimis and trivial in nature.

TWELFTH AFFIRMATIVE DEFENSE

13. The Second Amended Complaint and each of the purported causes of action therein fails to state facts sufficient to support an award of attorneys' fees against this answering Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

14. Plaintiffs breached the duty set forth and codified in *California Civil Code* Section 2079.5, to exercise reasonable care to protect themselves.

FOURTEENTH AFFIRMATIVE DEFENSE

15. The Second Amended Complaint, and each and every cause of action contained therein, is barred, in whole or in part, by the Statute of Frauds.

FIFTEENTH AFFIRMATIVE DEFENSE

16. Plaintiffs are barred from relief under the doctrine of unclean hands.

SIXTEENTH AFFIRMATIVE DEFENSE

17. Plaintiffs' acts and the acts of other parties herein prevented and precluded this answering Defendant from performing its obligations, if any were unperformed at all.

SEVENTEENTH AFFIRMATIVE DEFENSE

18. This answering Defendant did not owe Plaintiffs any fiduciary duty for the acts and/or omissions alleged in the Second Amended Complaint.

EIGHTEENTH AFFIRMATIVE DEFENSE

19. Any duty to Plaintiffs have been excused by the failure of consideration, waiver, breach of condition precedent, impossibility of performance, prevention, novation, frustration of purpose and/or acceptance by Plaintiffs, their representatives, agents, and/or employees.

NINETEENTH AFFIRMATIVE DEFENSE

20. Plaintiffs assumed the risk of all defects on the subject property and have waived all claims with respect to any defects on the property.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 South Figueroa Street, 15th Floor, Los Angeles, California 90017.

On January 4, 2012, I served the document described as **ANSWER TO SECOND AMENDED COMPLAINT** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Samuel J. Arsht, Esq.
Marsha C. Brilliant, Esq.
Silver & Arsht
1860 Bridgegate Street, Suite 100
Westlake Village, CA 91361-1409
(805) 495-4044
(805) 494-4704 Fax
sanda@silverandarsht.com
*Attorneys for Plaintiffs Theodore M. Sullivan
and Paula C. Sullivan*

(BY MAIL) I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I placed such envelope with postage thereon prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT COURIER): I placed the above-referenced document(s) in (an) envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by the express service carrier to receive documents, for overnight delivery.

(BY FACSIMILE) I telecopied such document to the offices of the addressee at the following fax number: .

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare under penalty of perjury under the laws of the United States of

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America, that the above is true and correct.

Executed on January 4, 2012 at Los Angeles, California.


CARMEN HAWKINS

2435-36359