



CAUSE OF ACTION FOR CANCELLATION OF WRITTEN INSTRUMENT

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 _____)

<>. There is in existence a certain written instrument which purports to be ____ [--describe instrument--]. The form and contents of the ____ are _____. A true and correct copy of the said written instrument is attached hereto and incorporated herein by reference as Exhibit _____. The ____ is in the possession and under the control of the _____.

<>. [---Allege facts making instrument void or voidable against the plaintiff----]

<>. [---Allege such other facts as are necessary to show that plaintiff is the person against whom the instrument is void or voidable----]

<>. Plaintiff ____ did not know until ____, 19____, that [----state facts constituting ground for rescission of underlying transaction making instrument voidable----], and on that date ____ [---describe circumstances under which plaintiff discovered such facts, including explanation for any delay----].

<>. [---Allege facts showing a reasonable apprehension that if left outstanding the instrument may cause serious injury to plaintiff---e.g.---If the ____ is left outstanding, plaintiff may be required to pay it or to defend a lawsuit based on it, and by refusing to pay it, plaintiff may be damaged in his credit. Defendant has refused to surrender the

___ to plaintiff and has communicated to plaintiff an intention to hold the ___ for payment according to its terms.-----]

<>. [----Allege facts establishing a basis for a claim for damages as additional relief, if any. e.g. -----On ___, 19___, before plaintiff discovered that the purported signature of ___ on the ___ is not genuine, plaintiff paid to defendant the sum of \$_____ as the installment payment due on that date according to the terms of the ___.

<>. [----Allege facts establishing a basis for a claim for exemplary damages, if any, e.g. ----Defendant transferred the ___ on or about ___, 19___ to ___ for value. Defendant knew at the time of making the transfer that the purported signature ___ on the ___ is not genuine, but he did not disclose this fact to the transferee. Defendant made the transfer with intent to defraud plaintiff. Plaintiff therefore seeks exemplary and punitive damages in the sum of \$_____.

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

<>. That the ___ be declared void.

<>. That defendant___ deliver the ___ forthwith to the clerk of the court for cancellation.

<>. For damages, in the event that defendant fails to surrender the ___ for cancellation pursuant to the judgment, in the sum of \$_____, plus interest thereon from and after ___, 19___[--date of execution of instrument---], at the rate of ___ percent per annum, as compensation and in lieu of cancellation.

<>. For damages in the sum of \$_____, plus interest thereon from and after ___, 19___, at the rate of ___ percent per annum.

<>. For exemplary and punitive damages in the sum of \$_____.

<>. For costs of suit herein incurred.

<>. For such other and further relief as the court may deem proper

Date: _____

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

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