

## **Form 5. Complaint -- Multiple Claims**

[Caption and signature block as in Form 1]

Plaintiff alleges:

### **GENERAL ALLEGATIONS**

1. On \_\_\_\_\_, defendant entered into an oral contract with plaintiff for the delivery of goods, payment of \$\_\_\_\_\_ to be made upon delivery.
2. On \_\_\_\_\_, plaintiff delivered the goods to defendant's residence.
3. Upon receiving the agreed upon goods, defendant refused to pay plaintiff the agreed sum.
4. Plaintiff has made demand for payment.
5. Defendant has refused plaintiff's demand for payment.

### **FIRST CLAIM FOR RELIEF: BREACH OF CONTRACT**

6. Plaintiff realleges and incorporates by reference the allegations in paragraphs 1 through 5, above.
7. By refusing to pay plaintiff the agreed amount for the delivery of the goods, defendant is in breach of contract.
8. Plaintiff has fulfilled all of her obligations under the contract.
9. Plaintiff is entitled to a judgment for the contract amount, \$20,000, plus costs for maintaining this action for collection.

### **SECOND CLAIM FOR RELIEF: THEFT BY CONVERSION**

10. Plaintiff realleges and incorporates by reference the allegations in paragraphs 1 through 5, above.
11. Plaintiff has demanded return of her property, as an alternative to defendant's payment under the contract.
12. Defendant has refused to return or respond to plaintiff's demand for return of plaintiff's property.
13. Defendant's refusal to return or respond constitutes the tort of conversion.
14. Plaintiff's property has an agreed value of \$20,000.

Wherefore, plaintiff requests relief on the FIRST CLAIM FOR RELIEF as follows:

- a. For judgment against defendant in the principal amount of \$20,000, plus prejudgment interest from \_\_\_\_\_ at the legal rate.

Alternatively, plaintiff requests judgment on the SECOND CLAIM FOR RELIEF as follows:

- a. For judgment against defendant in the principal amount of \$20,000, plus prejudgment interest from \_\_\_\_\_ at the legal rate.

