

Answer to Complaint

(Do not use this form for Evictions or Divorces)

Case Number:

In the (check one): [] Circuit [] District [] Small Claims Court of _____ County, Alabama

Plaintiff's Name

v.

Defendant's Name

To the Defendant(s): You are being sued. The Plaintiff is the person who is suing you. The reason(s) the Plaintiff is suing you are listed in the Complaint.

If you disagree with the Plaintiff's claims, you must do the following things by the deadline:

(The deadline is 14 days for District or Small Claims Court cases or 30 days for Circuit Court cases.)

- Fill out and sign this Answer. (Keep a copy for your records.)
• Mail or deliver a copy of this Answer to the Plaintiff or his/her lawyer at the address listed on the Complaint. Then to prove that you have done so, fill out and sign the Certificate of Service at the bottom of this page.
• Mail or deliver the original of this Answer to the Court Clerk by the deadline.

If you file and serve your Answer by the deadline, the court will mail you a notice with the date of your trial. At the trial, you can present evidence, bring witnesses, and tell the judge your side. Important! Even if you file an Answer, you still must go to the trial. If you do not go to the trial or file your Answer by the deadline, the judge may enter a default judgment against you for everything requested in the Complaint.

1 Tell the court how you want to handle this case.

I am the Defendant in this case, and (check only one):

- a. [] I do not owe the Plaintiff any money, and I do not agree with the Complaint. I understand that if I check this box, there will be a trial and the Plaintiff will have to prove his/her case.
b. [] I admit that I owe the Plaintiff money, but not the amount listed in the Complaint. I understand that if I check this box, there will be a trial. Explain why you checked this box: _____

Caution: If you made a payment after the Complaint was filed, ask the Plaintiff (or his/her lawyer) what the current balance is. You may be able to settle this case without going to court.

- c. [] I do not want a trial. I admit everything in the Complaint. I agree to pay: a judgment for the amount claimed, court costs, and any interest accrued at the legal rate (12%). I do not agree to pay a higher interest rate.
d. [] I want to sue the Plaintiff (the person who is suing me). I claim the Plaintiff owes me (amount) \$ _____ because (explain): _____

I understand that if I check this box, there will be a trial. (If the case is in Circuit Court, you will have to pay a fee to file your counterclaim.)

- e. [] I ask the court to dismiss this case because (check all that apply):
[] It was filed past the legal deadline (2 years for most personal injury or damage cases, 3 years for open accounts, 6 years for stated accounts and signed, written contracts).
[] I (or an adult in my home) was not personally served with the Complaint.

Sign here, then go to 2 below: _____ Date: _____

2 Fill out the box below. Next, mail or deliver a copy of this form to the Plaintiff or his/her lawyer, then sign below, and file the original of this Answer with the Court Clerk.

Certificate of Service

I certify that a true copy of this Answer was delivered or mailed to the Plaintiff or his/her lawyer on (date): _____, to this address: _____ street address city state zip

Sign: _____ Date: _____