

Summons Response Packet

While we cannot provide you with legal advice, the intention of this packet is to assist you in formulating a response and to guide you in preparing and formatting your answer to your summons. The sample answer is for **informational purposes only**. You must create your own response using the sample as a guide.

Formatting Your Answer:

We have created a template that is valid for most court jurisdictions and is available for you to use. We strongly advise you utilize this template as errors in formatting could result in your response being rejected by the court delaying or possibly causing you to miss your response deadline.

You may use the sample summons response to create and format your answer. The instructions listed below correspond alphabetically to the **sample sheets beginning on page 5**. This will assist you in responding to your summons.

- (A) Please list your name and address as formatted on the sample with the words “Defendant in Pro Per” right below the city, state and zip code.
- (B) List the name of the county courthouse and division as shown on the example.
- (C) List the state and county of the courthouse as shown on the example.
- (D) List the name of the creditor followed by the word “Plaintiff” as shown on the example.
- (E) List the Cause/Case number as shown on the example.
- (F) List your name followed by the word “Defendant” as shown on the example.
- (G) List your name (“Defendant”) and the name of the creditor (“Plaintiff”) as shown on the example.

First Affirmative Defense

- (H) In this section you are not denying but acknowledge the fact that you owe this debt. You will state, in a few sentences or a small paragraph, that you acknowledge the debt to the creditor.

Nothing in this document shall be construed as rendering legal advice. You must refer to your state laws, rules and procedures. The documents provided to you are for informational purposes only and may not be used for any other purposes. You are not to reproduce these documents or the text contained herein in any manner or form.
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A few things to consider in some circumstances:

You may consider denying the debt based on the presumption that you do not owe the entire amount claimed by the creditor. Or you may consider acknowledging that you owe part of the debt rather than the entire amount claimed.

For Example: your interest rate may have started at a very low or moderate level and then upon your missing a payment the interest was increased to a very high level.

As a result

- You may have had difficulty making your monthly payments
- Your overall balance increased at a much more expeditious rate, again causing an increase in the balance of your account and the monthly payment owed to the creditor
- Due to excessive late fees and over-limit fees, the balance of your account steadily increased along with the payment amount owed each month.

Second Affirmative Defense

(I) In this section you will state the reason for your hardship and why this debt cannot be paid at this time. You will state the facts, as you see them, surrounding your situations and your position. Basically you want to tell your story.

- What happened?
- How did you find yourself in this situation?
- What event(s) occurred in your life that caused you to fall behind on your payments?
- Did you experience a hardship? If so, what was it?
Example of a hardship may include loss of employment, unexpected emergency bills, wage loss, overextension of credit, medical expenses, and sudden increase in interest rate on your credit cards, etc.

Do not feel bashful and if necessary use multiple pages to explain the reasons why your debt can not be paid at this time. If you feel that the creditor has harassed you, include that information as well.

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Third Affirmative Defense:

- (J) In this section you will address the court and advise them as to your intentions to resolve this debt. You may inform the court that you are seeking the help of a debt settlement company to assist you in paying off your debt.
- (K) **This section is optional.** The definition of this request is to ask the courts that the plaintiff (creditor) not receive judgment at this time and that you request that you do not pay for the legal costs if this litigation. This request is entirely decided by the judge. In almost all cases the Plaintiff (creditor) will be awarded the judgment and the cost of the suit but it does not hurt to ask.
- (L) You will date this answer/response with the date of mailing your documents.
- (M) You will sign your name and place the words “Defendant in Pro Per” below your signature.

You have now completed your answer/response to your summons using the sample summons response format. Nothing in this document shall be construed as rendering legal advice. You must also refer to your states laws, rules and procedures for further assistance if needed. The document(s) provided to you is for informational purposes only and may not be used for any other document. You are not to reproduce the document(s) or the text contained herein in any manner or form.

Please be sure to **send a copy of your answer/response to the court and a copy of your answer/response to the plaintiff’s attorney** as instructed on the summons.

Also, please send a copy of your answer/response to Client Services fax number (800) 482-7154 to be placed in your file and please retain a copy for yourself.

It is very important that these instructions are followed and within the time frame allotted. Failure to follow the instructions on the summons may result in a default judgment against you.

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Commonly asked questions:

Why answer the complaint if there is no disputing that the debt is owed?

If the complaint is not answered, a default judgment may automatically be entered against you making it that much faster for the creditor to pursue collection on the judgment. By submitting an answer, the entry of a judgment can be postponed, allowing more time for negotiating on the account and for settlement funds to accrue.

Answering the complaint DOES NOT PREVENT JUDGMENT. The creditor has the right to collect on the debt.

Can an account that has a judgment still be settled?

Yes. An account that has received a judgment may still be settled. At times, the account may settle at a higher percentage.

I have received a summons for a court appearance, should I appear?

Yes! If you receive a summons commanding you to appear you should always follow the instructions on the summons asking you to appear. Hearings are not always for the purpose of having a decision rendered. Court hearings can be a valuable opportunity to negotiate a settlement on your account. By proving your hardship and showing good faith interest in paying the debt, the judge may delay the judgment if an agreement is made to pay monthly payments with the creditor. Such an arrangement would prevent further collection methods, such as garnishment and bank levy until the account is settled.

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A [Client name]
[Street address]
[City, State, Zip Code]

Defendant in Pro Per

B [Court Name and Division]

C State of (____), (____) County

D [(Name of Creditor)]
Plaintiff,

E Cause/Case No.
(____)

Vs.

Defendant(s)

F [Name of Client]

G

[Client Name] (“Defendant”), hereby answers the complaint of [Creditor Name] (“Plaintiff”) for it’s self alone as follows and generally denies the allegations of the complaint based on lack of information and belief:

H First Affirmative Defense

I

Second Affirmative Defense

J

Third Affirmative Defense

K

WHEREFORE, Defendant requests that:

1. Plaintiff takes nothing by way of his complaint; and
2. For Defendant's costs of suit.

L

Dated:

[insert date of filing]

Defendant In Pro Per

M

 [Client Signature]
[Client Name-PLEASE PRINT]

[Client Name]
[Street Address]
[City, State, Zip Code]
Defendant In Pro Per

[Court Name and Division]

State of (_____), (_____) County Cause/Case No.(_____)

[Name of Creditor]

Plaintiff,

Vs.

[Name of Client]

Defendant(s)

[Client Name] (“Defendant”), hereby answers the complaint of [Creditor Name] (“Plaintiff”) for it’s self alone as follows and generally denies the allegations of the complaint based on lack of information and belief:

First Affirmative Defense

Second Affirmative Defense

Third Affirmative Defense

WHEREFORE, Defendant request that:

1. Plaintiff takes nothing by way of his complaint; and
2. For Defendant's costs of suit.

Dated: *[insert date of filing]*

Defendant in Pro Per

 [Client Signature]
[Client name-PLEASE PRINT]