PS–19 Rev. 5/10	**Answer to Complaint** (Do not use this form for Evictions)	Case Number:

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

_____ v. _____

Plaintiff's Name 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 <u>must</u> do the following things by the deadline:
(The deadline is <u>14 days</u> for District or Small Claims Court cases or <u>30 days</u> 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: _____

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