

Answer Form to Respond to a Debt Collection Lawsuit

Case or Cause Number: _____

Plaintiff

v.

Defendant

§
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§
§
§
§
§

In the Justice Court

Precinct Number _____

Place Number _____

_____ County, Texas

Defendant's Answer – Debt Claim Case

1. General Denial: My name is _____.

I generally deny the allegations that Plaintiff has made. I demand that all allegations be proven.

2. Additional Defenses:

I understand that I do not need to provide any information other than my name in the above General Denial section, but I would like to provide more information to the court.

The following defenses apply to this debt claim case: (Check only the boxes that apply to your situation. If you would like to raise issues not included here, you can do so in the lines below this section.)

The Plaintiff is not the original owner of the debt and may not be able to prove ownership of the debt.

I already paid this debt in full or settled it with the original creditor or someone who bought the debt.

The account is not my account. I am not the person who took out this debt or I am not the person who made the charges to the account.

I am a victim of identity theft and I did not create this debt.

After taking my property securing this loan, the creditor or its representative did not give me proper notice of the sale of my property. (You should have received a notice before sale.)

After taking my property, the creditor did not sell the property in a “commercially reasonable” manner. (The creditor is required to sell the property in a way that raises the most money and lowers your possible debt.)

This debt was discharged in bankruptcy or is part of a current bankruptcy case. **My bankruptcy case number is:**
_____.

The statute of limitations on the debt has expired. (The statute of limitations is generally four years from the date your account went into default—after you stopped paying.)

I have already been sued on this debt and a court made a decision about this debt in a judgment or case dismissal.

This debt was resolved in arbitration.

I bought a credit protection plan to cancel or make payments on this debt if I became disabled or lost my job. I became disabled, lost my job, or both, and I notified the creditor or collector about my situation.

If there are other defenses that you may have, you can list them here. You can also use this space to let the court know if your income is protected from debt collection.

Examples of protected income: retirement income like Social Security, a pension, or a 401(k), Railroad Retirement benefits, veterans' benefits, Supplemental Security Income, disability income, spousal and child support, unemployment benefits, workers' compensation, and public benefits like FEMA benefits or TANF.

Attach sheets of paper to this form if you need more space.

3. Venue: (Check this box only if the statement applies to you. If you check the box, enter the county and precinct where you live.)

I do not live in the county or precinct of the court where I have been sued. I ask that this case be transferred to the Justice Court in _____ County, Precinct _____.

4. Jury Request: (Choose one.)

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial. There is no fee if you file a *Statement of Inability to Afford Payment of Court Cost* form with the court. This form can be found at the court or online.)

I do not request a jury at this time.

5. Relief Requested:

I reserve the right to file an Amended Answer with the court to plead other defenses after further investigation and discovery.

I request that the court enter judgment for me, the Defendant, award me my costs, and for any other relief to which I am entitled.

Respectfully submitted,

Your signature

Printed name

Mailing address: _____

Telephone: _____

Email: _____
(Fill this out only if you have an email that you check daily.)

ONLY USE THIS PAGE IF YOU CHECKED THE BOX UNDER 3. VENUE

This page is only required if you ask to move your case to a different court.

Ask to change venue Option 1: Unsworn Declaration

Fill out and sign this section if you are comfortable entering your birth date and street address. If you use this section, you do not need to notarize this document.

My name is: _____.

My date of birth is: _____ / _____ / _____.
Month Day Year

My address is: _____.
Street address City State ZIP Code Country

I declare under penalty of perjury that the information in this document is true and correct.

Your signature

Signed in _____ County, _____ (state),

On this date: _____ / _____ / _____.
Month Day Year

Ask to change venue Option 2: Notary

If you do not want to enter your birth date and street address, you can notarize this document instead of filling out Option 1 above.

I swear under penalty of perjury that the information in this document is true and correct.

Your Signature

State of _____

County of _____

Subscribed before me, the undersigned authority, on the _____ day

of _____, year _____, by _____.

[Notary's seal]

Notary Public's signature

Certificate of Service

I certify that a copy of this answer was sent to the Plaintiff's attorney (or the Plaintiff if they are not represented by an attorney) on (write the date in the blank) _____ in compliance with Texas Rule of Civil Procedure 501.4 by:

Personal delivery to this address:

Mail to this address:

Fax to this number:

Email to this email address: (Only allowed if Plaintiff provided an email address in their petition and agreed to receive service by email.)

Another method approved by the court:

Your signature