

INSTRUCTIONS FOR FILING AND SERVING AN ANSWER TO A COMPLAINT (FORM MC 03)

If you received a complaint, you are required to appear and answer the complaint by the date on the summons. If you were personally served, you have 21 days after receiving the summons to file a written answer with the court. If you were served by mail or were served outside of this state, you have 28 days after receiving the summons to file a written answer with the court. If you do not appear and answer as required, the court may enter a default judgment against you. This means the judge may grant a judgment for the plaintiff without hearing from you.

1. How do I file an Answer?

You appear and answer by filing a written answer with the same court where the complaint was filed and serving the plaintiff with that answer. There is no fee for filing an answer.

2. Fill out the Answer form.

Fill out form MC 03 (Answer, Civil) on the website or get a paper copy from the court to fill out.

Write in the court number, case number, the court address, the court telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on your court papers.

For each of the numbered statements on the complaint, check only one box in response to that statement. If the complaint is numbered beyond five, check the box "continued on page 2" and complete page 2. If necessary, complete page 3 and add more pages as needed.

If you have affirmative defenses, you must state them now using the last page of the form. If you do not, the court may prohibit you from raising them later. An affirmative defense is a defense claiming that the plaintiff is not entitled to a judgment because other facts exist that create a lawful defense. Affirmative defenses allow you to provide information to the court that is not stated in the plaintiff's complaint.

Write in the date you complete the form and sign your name.

3. Make four copies of the completed answer forms.

4. File the Answer with the court.

File the original of your answer with the court in person or by first-class mail.

5. Serve the Answer.

You must serve (provide) a copy of the answer on the plaintiff either by personal service or by first-class mail. If the plaintiff has an attorney, serve the answer on the attorney instead of the plaintiff.

After you serve the answer on the plaintiff, complete the certificate of service on the bottom of the remaining two copies of the form. File one copy with the court. You can do this either in person or by first-class mail. Keep the remaining copy of the answer form for yourself.

See the Michigan Court's Self-Help Center for information on demanding a jury at <http://courts.mi.gov/self-help/center/general-information/pages/responding-to-a-civil-complaint.aspx> and preparing for trial generally at <http://courts.mi.gov/self-help/center/general-information/pages/court-hearings.aspx>.

NOTE: You must bring all documents to the hearing to support what you checked on the answer form.

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

ANSWER, CIVIL
(PAGE 1 OF __)

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name(s), address(es), and telephone no(s).

Defendant's attorney, bar no., address, and telephone no.

Defendant,
 Attorney for defendant, in answer to the complaint, states:

(Paragraph numbers in the answer must correspond to paragraphs in the complaint. Attach additional sheets if necessary.)

- 1. I agree with the statements in paragraph 1.
 disagree with the statements in paragraph 1 because _____ .
 do not know if the statements in paragraph 1 are true.
- 2. I agree with the statements in paragraph 2.
 disagree with the statements in paragraph 2 because _____ .
 do not know if the statements in paragraph 2 are true.
- 3. I agree with the statements in paragraph 3.
 disagree with the statements in paragraph 3 because _____ .
 do not know if the statements in paragraph 3 are true.
- 4. I agree with the statements in paragraph 4.
 disagree with the statements in paragraph 4 because _____ .
 do not know if the statements in paragraph 4 are true.
- 5. I agree with the statements in paragraph 5.
 disagree with the statements in paragraph 5 because _____ .
 do not know if the statements in paragraph 5 are true.

continued on page 2.

Date

Defendant/Attorney signature

Name (type or print)

IMPORTANT: If you have affirmative defenses, you must state them now using the last page of this form. If you do not, the court may prohibit you from raising them later. An affirmative defense is a defense claiming that the plaintiff is not entitled to a judgment because other facts exist that create a lawful defense. Affirmative defenses allow you to provide information to the court that is not stated in the plaintiff's complaint.

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this answer on the plaintiff(s) or their attorney(s) by
 personal service. first-class mail addressed to their last-known address(es) as defined in MCR 2.107(C)(3).

Date

Signature

**STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT**

**ANSWER, CIVIL
(PAGE 2 OF __)**

CASE NO.

Plaintiff's name(s)

v

Defendant's name(s)

continued from page 1.

- 6. I agree with the statements in paragraph 6.
 disagree with the statements in paragraph 6 because _____.
 do not know if the statements in paragraph 6 are true.
- 7. I agree with the statements in paragraph 7.
 disagree with the statements in paragraph 7 because _____.
 do not know if the statements in paragraph 7 are true.
- 8. I agree with the statements in paragraph 8.
 disagree with the statements in paragraph 8 because _____.
 do not know if the statements in paragraph 8 are true.
- 9. I agree with the statements in paragraph 9.
 disagree with the statements in paragraph 9 because _____.
 do not know if the statements in paragraph 9 are true.
- 10. I agree with the statements in paragraph 10.
 disagree with the statements in paragraph 10 because _____.
 do not know if the statements in paragraph 10 are true.
- 11. I agree with the statements in paragraph 11.
 disagree with the statements in paragraph 11 because _____.
 do not know if the statements in paragraph 11 are true.
- 12. I agree with the statements in paragraph 12.
 disagree with the statements in paragraph 12 because _____.
 do not know if the statements in paragraph 12 are true.
- 13. I agree with the statements in paragraph 13.
 disagree with the statements in paragraph 13 because _____.
 do not know if the statements in paragraph 13 are true.
- 14. I agree with the statements in paragraph 14.
 disagree with the statements in paragraph 14 because _____.
 do not know if the statements in paragraph 14 are true.
- 15. I agree with the statements in paragraph 15.
 disagree with the statements in paragraph 15 because _____.
 do not know if the statements in paragraph 15 are true.
- 16. I agree with the statements in paragraph 16.
 disagree with the statements in paragraph 16 because _____.
 do not know if the statements in paragraph 16 are true.
- 17. I agree with the statements in paragraph 17.
 disagree with the statements in paragraph 17 because _____.
 do not know if the statements in paragraph 17 are true.

continued on page 3.

**STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT**

**ANSWER, CIVIL
(PAGE 3 OF __)**

CASE NO.

Plaintiff's name(s)

v

Defendant's name(s)

continued from page 2.

- 18. I agree with the statements in paragraph 18.
 disagree with the statements in paragraph 18 because _____.
 do not know if the statements in paragraph 18 are true.
- 19. I agree with the statements in paragraph 19.
 disagree with the statements in paragraph 19 because _____.
 do not know if the statements in paragraph 19 are true.
- 20. I agree with the statements in paragraph 20.
 disagree with the statements in paragraph 20 because _____.
 do not know if the statements in paragraph 20 are true.
- 21. I agree with the statements in paragraph 21.
 disagree with the statements in paragraph 21 because _____.
 do not know if the statements in paragraph 21 are true.
- 22. I agree with the statements in paragraph 22.
 disagree with the statements in paragraph 22 because _____.
 do not know if the statements in paragraph 22 are true.
- 23. I agree with the statements in paragraph 23.
 disagree with the statements in paragraph 23 because _____.
 do not know if the statements in paragraph 23 are true.
- 24. I agree with the statements in paragraph 24.
 disagree with the statements in paragraph 24 because _____.
 do not know if the statements in paragraph 24 are true.
- 25. I agree with the statements in paragraph 25.
 disagree with the statements in paragraph 25 because _____.
 do not know if the statements in paragraph 25 are true.
- 26. I agree with the statements in paragraph 26.
 disagree with the statements in paragraph 26 because _____.
 do not know if the statements in paragraph 26 are true.
- 27. I agree with the statements in paragraph 27.
 disagree with the statements in paragraph 27 because _____.
 do not know if the statements in paragraph 27 are true.
- 28. I agree with the statements in paragraph 28.
 disagree with the statements in paragraph 28 because _____.
 do not know if the statements in paragraph 28 are true.
- 29. I agree with the statements in paragraph 29.
 disagree with the statements in paragraph 29 because _____.
 do not know if the statements in paragraph 29 are true.

continued on page ____.

| | | |
|---|--|-----------------|
| STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT | ANSWER, CIVIL (PAGE __ OF __) | CASE NO. |
|---|--|-----------------|

Plaintiff's name(s)

v

Defendant's name(s)

CHECK ALL THAT APPLY (for each box checked, attach a statement of facts)

AFFIRMATIVE DEFENSES

Defendant, Attorney for defendant, states the following affirmative defenses:

1. I paid this debt in full (satisfied). Attached is proof of payment.

2. This action is barred by the statute of limitations because

the plaintiff failed to sue within six years of _____, the last activity on the alleged account. MCL 600.5807(8).
Date

the alleged contract involves a motor vehicle retail installment sales contract or the sale of other goods, and the plaintiff failed to sue within four years of _____, the last activity on the alleged account. MCL 440.2725(1).
Date

the plaintiff failed to sue within three years after the alleged contract of sale of a mobile home on _____. MCL 125.2333. Date

3. I paid an amount that the plaintiff accepted as payment in full (accord and satisfaction). Attached is proof of payment.

The debt was discharged in bankruptcy. The case number was _____.

4. The contract is void or voidable because

I was a minor when the alleged contract was made. My birth date is _____.

I was not mentally competent when the alleged contract was made. Probate case number _____. Attached are my letters of conservatorship/guardianship.

there was no valid contract (no meeting of the minds) because _____.

5. The contract was severely unjust or extremely one-sided (unconscionable).

6. I am not liable for the alleged damages because of the plaintiff's contributory negligence.

7. The alleged contract is unenforceable because it is not in writing (statute of frauds).

8. My vehicle was repossessed and later sold in a commercially unreasonable manner. MCL 440.9607(3).

9. The contract should not be enforced because of the plaintiff's improper conduct (fraud and/or duress).

10. The goods purchased were defective (failure of consideration).

11. The terms of the contract did not express what the parties intended (mutual mistake).

12. I have not been credited for all payments made on the alleged account. Attached is proof of payment.

13. Other:

Date

Defendant/Attorney signature

Name (type or print)