

Cause Number _____
(Complete the heading so that it looks exactly like the Petition)

_____ In the (check one):
Plaintiff (Print Full Name) District Court
_____ County Court at Law
VS Court Number Justice Court (JP)
_____ County, Texas
Defendant (Print Full Name)

Defendant's Answer

WARNING: Talk to a lawyer before filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first talking to a lawyer. For help finding a lawyer, call your local lawyer referral service. If you do not have enough money to hire a lawyer to take your whole case, you can hire a lawyer just to give you advice and help you fill-out this form. This is called Limited Scope Representation. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to www.TexasLawHelp.org.

INSTRUCTIONS: If you decide to use this *Defendant's Answer* form:

- Fill it out completely and sign it.
- File (*turn in*) your completed answer form at the Courthouse where the *Petition* was filed.
- It does not cost anything to file an answer.
- If you have been served, you have a limited time to file an answer. If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you. Talk to a lawyer if you do not know when your deadline is.
- Keep a copy of your answer for your records.
- Send a copy to the Plaintiff's lawyer or to the Plaintiff if s/he is not represented by a lawyer.

1. Defendant's Information

My name is _____. I am the Defendant in this Case.
(PRINT your full name.)

The last three numbers of my driver's license number are ____ ____ _____. My driver's license was issued in (State) _____.

Or I do not have a driver's license number.

The last three numbers of my social security number are ____ ____ ____.

Or I do not have a social security number.

2. General Denial

Texas Rules of Civil Procedure Rule 92

I enter a general denial.

I request notice of all hearings in this case.

3. Specific Pleas Made Under Penalty of Perjury

Read Texas Rules of Civil Procedure Rule 93 for a list of specific pleas that must be verified **or** made under penalty of perjury. Ask a lawyer which specific pleas apply to your case.

I make the following specific pleas under penalty of perjury:

4. Affirmative Defenses

Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may forever give up that defense.

I claim the affirmative defenses checked below:

- | | | |
|--|---|---|
| <input type="checkbox"/> accord and satisfaction | <input type="checkbox"/> estoppel | <input type="checkbox"/> license |
| <input type="checkbox"/> arbitration and award | <input type="checkbox"/> failure of consideration | <input type="checkbox"/> release |
| <input type="checkbox"/> assumption of risk | <input type="checkbox"/> fraud | <input type="checkbox"/> res judicata |
| <input type="checkbox"/> contributory negligence | <input type="checkbox"/> illegality | <input type="checkbox"/> statute of frauds |
| <input type="checkbox"/> discharge in bankruptcy | <input type="checkbox"/> injury to fellow servant | <input type="checkbox"/> statute of limitations |
| <input type="checkbox"/> duress | <input type="checkbox"/> laches | <input type="checkbox"/> waiver |

- I already paid the debt sued for. I paid \$ _____ to _____
on _____ by _____.
(date) (check, cash, etc.)

Write any other details regarding payment of the debt here:

- I also claim these additional affirmative defenses:

I reserve the right to file an *Amended Defendant's Answer* with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims or third-party claims, as applicable, after further investigation and discovery.

5. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

▶ _____
Defendant's Signature _____
Date

_____ _____
Defendant's Printed Name *Phone*

_____ _____ _____ _____
Mailing Address *City* *State* *Zip*

Email: _____ *Fax # (if available)* _____

I understand that I must let the Court, the Plaintiff's lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

6. Unsworn Declaration Made Under Penalty of Perjury

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

My name is: _____
First *Middle* *Last*

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: 1) I am the Defendant in this case, 2) I have read this *Defendant's Answer*, and 3) the statements in this *Defendant's Answer* are within my personal knowledge and are true and correct. I understand that it is a crime to lie on this form.

Formally signed **under penalty of perjury** in _____ County, _____,
County *State*

on this date: _____/_____/_____.
Month *Day* *Year*

▶ _____
Defendant's Signature

7. Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- through the electronic file manager if this document is being filed electronically
- by certified mail, return receipt requested
- by fax, to fax # _____
- by personal delivery
- by email to this email address: _____



Defendant's Signature

Date