



HOW TO ANSWER A COLLECTION LAWSUIT

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IMPORTANT INFORMATION—PLEASE READ THIS FIRST

1. I'm happy to offer this free form to help you answer a collection lawsuit on your own. But this form is merely information and instructions, not legal advice. You'll need to come up with your own defenses and legal arguments. If you need help doing this, talk to a consumer lawyer about the specifics of your case.
2. You should only use this form to answer a Minnesota debt collection lawsuit. It won't work to answer a different kind of lawsuit; nor will it work to answer a collection lawsuit in another state. In Minnesota, you must answer a lawsuit within 20 days of being served. The day you were served doesn't count toward the 20 days. Make sure you serve your Answer within this 20 day period. Remember that bad things often happen when you wait until the last minute.
3. Just because you use this form to answer the collection lawsuit, doesn't mean that you're going to win your case. While answering a lawsuit prevents a default judgment, it's only the first step in contesting a collection lawsuit. You still need to respond to the creditor's discovery and motions, as well as attend any court hearings. Read everything from the creditor's attorney carefully and be especially aware of any deadlines noted in those documents. If you're unsure about how to respond to something the creditor's attorney sends you, I strongly recommend that you contact a consumer lawyer for advice. It's possible to lose your case just because you don't respond to certain documents. **Be sure to read the important note below about Requests for Admissions.**
4. Just because you use the Answer form doesn't mean that I'm your lawyer. I'm only your lawyer if we both sign something that says I'm your lawyer.
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STEP-BY-STEP INSTRUCTIONS

- If you haven't already, download the free Answer form (available as a Word document) on my website.
- The following 25 instructions correspond to the 25 places on the Answer form (each marked with a **[#]**) where you'll need to fill in different information. Just

highlight the [#] in the Answer and then type in the information described in each instruction so that it replaces the [#].

- I've tried to make the instructions thorough and detailed, yet simple enough to understand. If you've carefully read the instructions and are still not sure what to do, use your best judgment. **Unfortunately, I'm not able to respond to questions about how to fill out the Answer form.**

[#1] Type the county that the lawsuit is venued in. Look at what county is on the Complaint and type the same county here.

[#2] Type the judicial district that the lawsuit is venued in. Again, look at the Complaint and type the same county here.

[#3] Type the Plaintiff's name exactly as it's typed on the Complaint.

[#4] Type your name exactly as it's typed on the Complaint—even if your name is misspelled on the Complaint.

[#5] Read the first paragraph in the Complaint. In your head, figure out whether the allegation in that paragraph is: (a) true; (b) false; or (c) you don't know. **You must answer honestly, but you only have to admit the allegation if you know for a fact it is true.** For example, in a debt buyer lawsuit, you probably don't know for a fact that the debt buyer properly bought your account from the original creditor. They might say they did, but without more information, you probably don't know that for a fact. As another example, you may not know for a fact that the exact amount they sue you for is correct. This would require a detailed calculation—involving multiple interest rates, double-cycle billing, additional fees, etc.—that is beyond the basic math ability of most people.

Be sure to watch out for multiple allegations in a single paragraph in the Complaint. For example:

1. Defendant owes Plaintiff \$10,000.00 for goods and services sold and delivered to Defendant through the date of the service of the Complaint. Said purchases were made on Defendant's Credit Card bearing account number 1234567891011121 which was issued to Defendant by Plaintiff.

This paragraph has three allegations: (1) that you owe Plaintiff \$10,000 for goods and services sold and delivered through the date of the service of the Complaint; (2) that the purchases were made on your credit card with an account number of 1234567891011121; and (3) that the card was issued to you by Plaintiff. In this

situation, it's best to clarify what allegations you're admitting and what allegations you're denying. For example:

In answering Paragraph 1, Defendant admits having a credit card issued by Plaintiff and that Defendant used the credit card from time to time. Defendant does not have sufficient information to admit or deny whether 1234567891011121 is the correct account number, so therefore denies that allegation. Defendant denies owing Plaintiff \$10,000.

Once you've read the allegations in the first paragraph and determined your answer, you're ready to start filling out this part of the form. If the allegations in paragraph 1 are true, type “admits” in [#5]. If the allegations are false, type “denies”. If you honestly don't know whether the allegations are true or false, then type “Defendant does not have sufficient information to admit or deny, so therefore denies”. See the preceding 2 paragraphs for an example of how to respond if the paragraph contains multiple allegations.

Repeat this process for each paragraph in the complaint. Add or subtract paragraphs to the Answer form as needed.

[#6] If you have any additional defenses—for example: identity theft, already paid, not your debt, etc.—explain them here. If you don't have any, then delete this paragraph in the Answer form.

[#7] Type the date that you fill out and sign the answer.

[#8] Type your name.

[#9] Type your street address.

[#10] Type your city, state, and zip code.

[#11] Type your phone number.

[#12] Type the date that you fill out and sign the answer.

[#13] Type your name.

[#14] Type the same county that you typed in [#1].

[#15] Type the same judicial district that you typed in [#2].

[#16] Type the same Plaintiff that you typed in [#3].

[#17] Type your name the same as you did in [#4].

[#18] You'll need to sign the Affidavit of Service in front of a notary public. Type what county you will be in when you will sign the Affidavit of Service by Mail. This may be different from the county in [#1] and [#14].

[#19] Type your name.

[#20] Type the date that you will be *mailing* the Answer and Affidavit of Service. If you're not sure when that will be, you may just type in a blank line (ie. _____) so that you can later hand-write the date just before you sign the Affidavit of Service and mail it.

[#21] Type the name of the lawyer that signed the Complaint. If you don't know, leave it blank.

[#22] Type the law firm that is representing the Plaintiff in the lawsuit (ie. Messerli & Kramer or Gurstel, Staloch & Chargo).

[#23] Type the law firm's street address.

[#24] Type the law firm's city, state, and zip code.

[#25] Type your name.

- Save the Word document. Now, review your Answer again. Make sure that you've followed every step listed here and that all of your responses to the allegations in the Complaint are true.
- Print out both the Answer and Affidavit of Service. Sign your name on the line directly above [#8]. Next, read Minn. Stat. Section 549.211. It can be found here: <https://www.revisor.mn.gov/statutes/?id=549.211>. If you agree that you're not answering the Complaint in violation of 549.211, subd. 2, then sign your name on the line directly above [#13].
- Next, take the Answer and Affidavit of Service to a notary public. Write the date in the space to the left of [#25] and sign on the line above [#25] **in front of the notary public** and have her notarize the Affidavit of Service in the space provided. If you didn't type a date into [#20], then hand-write the date in now.

- Make a photocopy of your Answer and the Affidavit of Service. To serve them, you just mail the PHOTOCOPIES to the lawyer for the Plaintiff at the address you typed on the Affidavit of Service. Regular U.S. mail is fine. **Make sure that you mail the affidavit of service on the date that you typed or wrote in [#20].**
- Keep the ORIGINAL Answer and Affidavit of Service for your records. If the case gets filed with the court, you need to file the original Answer and Affidavit of Service.
- **Obviously, you only mail a copy of the Answer and Affidavit of Service—and not these instructions—to the creditor's attorney.**

A WORD ABOUT REQUESTS FOR ADMISSIONS

Once you've answered the lawsuit, the next thing that you'll probably get from the creditor's lawyer is written discovery. This will usually include Interrogatories, Requests for Production of Document, and—most importantly—Requests for Admission.

Requests for Admission are a series of statements that you're asked to admit or deny. And here's the really important part: **if you don't answer the admissions within 30 days, every statement in them will be considered true.** Creditor's lawyers write them in a way that if you don't answer, you've admitted every element of their case. They know that the majority of people will not answer the Admissions because they don't understand the serious consequences of not doing so.

So the lesson here is to respond to every Request for Admission within 30 days. You must answer honestly, but as I already explained above in [#5], you only have to admit the statement if you know for a fact that it's true.

Responding to Requests for Admission is very similar to answering a lawsuit. Just create another document with the same caption as your Answer. Instead of “Answer”, title it “Defendant's Responses to Plaintiff's Requests for Admission.” Then just create as many numbered paragraphs as there are Requests, and either type “admit” or “deny” in response to each Request. If you don't know, type something like “Defendant is without sufficient information to admit or deny, and therefore denies.”

When you're done, print it out your responses and sign them. Then create another Affidavit of Service for your Responses and sign it in front of a notary. Then mail A COPY your responses, along with the Affidavit of Service to the creditor's lawyer. Keep the ORIGINALS for your records.