

COURT

COUNTY OF

Part: _____

_____,
Plaintiff(s)

-against-

_____,
Defendant(s)

**WRITTEN ANSWER
CONSUMER CREDIT TRANSACTION**

Index Number: _____

ANSWER: (Check all that apply)

1. General Denial: I deny the allegations in the Complaint.

SERVICE

2. I did not receive a copy of the Summons and Complaint.

3. I received the Summons and Complaint, but service was not correct as required by law.

DEFENSES

4. It is not my debt. I am a victim of identity theft or mistaken identity.

5. I have paid all or part of the alleged debt.

6. I dispute the amount of the debt.

7. I had no business dealings with Plaintiff (Plaintiff lacks standing).

8. There is no record of plaintiff having a license to collect debt (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).

9. Plaintiff does not allege a debt collector's license number in the Complaint (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).

10. Statute of limitations (the time has passed to sue on this debt).

11. This debt has been discharged in bankruptcy.

12. The collateral (property) was not sold at a commercially reasonable price.

13. Failure to provide proper notice before selling collateral (property).

14. Failure to mitigate damages (Plaintiff did not take reasonable steps to limit damages).

15. Unjust enrichment (the amount demanded is excessive compared with the original debt).

16. Violation of the duty of good faith and fair dealing.

17. Unconscionability (the contract is unfair).

18. Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).

19-a. **OUTSIDE OF NEW YORK CITY ONLY:** Lack of personal jurisdiction under Uniform City Court Act § 213 (applies if you do not work in the city where the case was filed **and** you are not a resident of that city **or** (for all counties except Westchester and Nassau counties) you are not a resident of a town next to that city within the same county).

19-b. **SUFFOLK COUNTY:** Lack of personal jurisdiction; the defendant is not a resident and/or was not served in, or there was no transaction of business in, that portion of Suffolk County for which a District Court has been established (Towns of Huntington, Babylon, Islip, Smithtown and Brookhaven).

20. Defendant is in the military.

OTHER

21. Other Reasons _____

22. Please take notice that my only source of income is _____, which is exempt from collection.

COUNTERCLAIM(S)

23. Counterclaim(s): \$ _____ Reason: _____

VERIFICATION

State of New York, County of _____ ss:

_____, being duly sworn, deposes and says: I have read the Answer in Writing and know the contents to be true from my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this _____ day of _____, 20____.

Notary Public

Defendant's
Address: _____

Signature of Defendant

This case is scheduled to appear on the court calendar as follows:

Date: _____ Part: _____ Room: _____ Time: _____ Both sides notified: Yes No