

# HOW TO PREPARE AN ANSWER TO AN ACTION THAT HAS BEEN SERVED ON YOU

The information contained in this packet is to be used if you have been served with court papers that were filed in the Superior Court. You should consult with an attorney to make sure that your legal rights are protected.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from furnishing legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

**INSTRUCTIONS FOR FILING AND SERVING AN ANSWER TO A PETITION  
THAT HAS BEEN SERVED ON YOU**

It is very important to file a written answer to any legal action that is served on you if you want to respond to what the other side has requested in his/her petition. Filing an answer gives you the right to be notified of the hearing. If you fail to file a written answer, then you are telling the court that you are not contesting what the other side has requested and you are waiving your right to be notified by the Court of any court dates. Preparing an Answer and Counterclaim can be complicated.

**You should consult an attorney if you have any questions about your legal rights.**

If you are served by the Sheriff, special process server or acknowledge service of a petition, you normally have thirty days to file a written answer with the Clerk of the Superior Court in the County in which the original petition was filed. If you have been served by publication, then you have sixty days from the date the petition is first published in the legal newspaper to file a written answer. When you are served, a blue summons will be on the top of the petition. It will tell you how many days you have to file a written answer with the Court and to whom you must serve a copy of your answer.

**INSTRUCTIONS FOR PREPARING AN ANSWER**

You can use the attached form Answer and Counterclaim to draft your answer and counterclaim.

**Step 1: Review the Petition that was served on you.**

It is sometimes helpful if you go through the petition with a pencil and make notes on whether you agree or disagree with what the other side has stated in his/her petition.

**Step 2: Prepare a written Answer and/or Counterclaim to the Petition that was served on you.**

Write your name in the space as Respondent and the other side's name as Petitioner. Insert the Civil Action File No. As noted on the Petition.

In the blank after "Answer to", write the name of the Petition that was served on you. If you do not want to file a Counterclaim, strike through the word "Counterclaim".

Fill the blanks with the requested information.

Then review each paragraph of the petition that was served on you and respond to each paragraph either admitting it, denying it, or stating that you do not have sufficient knowledge to admit or deny.

**Note:** on the form Answer provided by the Clerk's office, there may be more numbered paragraphs than you need. Only use the number of paragraphs in your answer that correspond with the number in the Petition served on you. If there are not enough numbered paragraphs (i.e. the Petition has 20 paragraphs containing allegations) then you will need to add the correct numbered paragraphs to the form provided. After you have responded to each paragraph, then sign the Answer.

If you choose to file a counterclaim, check the box stating such. Then insert in the space provided the type of counterclaim you are seeking. For example, if you were served with a Complaint for Divorce, you may want to counterclaim for divorce so that you can make requests to the judge to award you children, property, relief from payment of debts, etc. You should speak with an attorney before filing a Counterclaim to make sure you have proper grounds for a counterclaim and if so, that you have included all of your requests.

Not all answers require a counterclaim. If you are prepared to file your answer, you may file it without a counterclaim and later add a counterclaim. However, be aware that some counterclaims may not be added later and you may lose your right to add a counterclaim if you do not insert it in your Answer. You should always consult with an attorney if you think you have a counterclaim.

Note: on the form Counterclaim provided by the Clerk's office, there may be more numbered paragraphs than you need. Only use the number of paragraphs in your counterclaim that you need. If there are not enough numbered paragraphs, then you will need to add the correct numbered paragraphs to the form provided. .

### **Step 3: Requests to the Court**

On page 5 of the Answer, after it says, "wherefore I request", please follow the instructions below:

In paragraph (a) insert the type of action that was served on you.

In paragraph (b) insert the type of counterclaim that you are filing if you are filing a counterclaim.

In the following paragraphs insert the requests for relief that you are asking the court to make.

Then sign your name in the space provided and print your name, address, and telephone number.

### **Step 4: Complete the Verification Form**

Insert the requested information in the blanks provided. Fill in the date where indicated. You will need to sign this Verification in the presence of a Notary Public. Most libraries and banks have a notary on staff and will notarize your document for a fee.

### **Step 5: Complete the Certificate of Service Form**

Insert the requested information in the blanks provided. If the other side is not represented by an attorney, you must mail him/her a copy of the Answer. If the other side is represented by an attorney, you must mail a copy of your Answer to their attorney. Write the other side's name and address exactly as it is listed on the blue summons form that was served on you. In the space provided, insert the date and sign your name and print your name and address.

### **Step 6: File your Answer**

Make three (3) copies of your documents. Take them to the docket clerk of the Superior Court of the county where the original petition was filed. Give the clerk your original. Have the clerk stamp your copies. Keep one copy for your records.

### **Step 7: Serve the other side's attorney (or the other side if they are not represented by an attorney) with a copy of your Answer**

You must serve the other side with a copy of your Answer. The Certificate of Service that you completed and filed with the Court is your proof to the Court that you did mail a copy of your Answer to the other side's attorney or to him/her.

**Step 8: Timely appear at any hearing, conference, or seminar required by the Court.**

Your failure to appear at any hearing, conference, or seminar scheduled by the Court on the date and time scheduled may, and often will result in your claims being dismissed and the action processing without you. The result of your failure to appear as required by the Court could result in the granting of all relief requested by the Petitioner, an award of attorneys fees against you, incarceration for contempt, or other appropriate relief. **DO NOT BE LATE OR MISS A COURT DATE!**

**IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

Petitioner, )  
                  ) )  
v.                  ) Civil Action No. \_\_\_\_\_  
                  ) )  
Respondent.   ) )

**ANSWER**

**AND COUNTERCLAIM**

I, \_\_\_\_\_, answer the Petition for \_\_\_\_\_  
\_\_\_\_\_ as follows:

1.

The allegations of paragraph one of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

2.

The allegations of paragraph two of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

3.

The allegations of paragraph three of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

4.

The allegations of paragraph four of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

5.

The allegations of paragraph five of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

6.

The allegations of paragraph six of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

7.

The allegations of paragraph seven of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

8.

The allegations of paragraph eight of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

9.

The allegations of paragraph nine of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

10.

The allegations of paragraph ten of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

11.

The allegations of paragraph eleven of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

12.

The allegations of paragraph twelve of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

13.

The allegations of paragraph thirteen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

14.

The allegations of paragraph fourteen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

15.

The allegations of paragraph fifteen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

16.

The allegations of paragraph sixteen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

17.

The allegations of paragraph seventeen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.

18.

The allegations of paragraph eighteen of the Petition are:

- admitted;
- denied;
- neither admitted nor denied because I do not have sufficient knowledge to admit or deny.



**COUNTERCLAIM FOR** \_\_\_\_\_

1.

The Court has jurisdiction over the subject matter and parties in this action for

\_\_\_\_\_

2.

\_\_\_\_\_  
\_\_\_\_\_

3.

\_\_\_\_\_  
\_\_\_\_\_

4.

\_\_\_\_\_  
\_\_\_\_\_

5.

\_\_\_\_\_  
\_\_\_\_\_

6.

\_\_\_\_\_  
\_\_\_\_\_

7.

\_\_\_\_\_  
\_\_\_\_\_

8.

9.

10.

WHEREFORE, I request

- That the \_\_\_\_\_ be dismissed and that all relief requested be denied;
- That my Counterclaim for \_\_\_\_\_ be granted;
- That I \_\_\_\_\_ ;
- That I be awarded \_\_\_\_\_ ;
- That I be awarded \_\_\_\_\_ ;
- That I be awarded \_\_\_\_\_ ;
- That I have any additional relief as this Court believes is fair and appropriate.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully Submitted:

\_\_\_\_\_  
Signature (*sign in front of notary*)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public,  
State of Georgia, County of \_\_\_\_\_.  
My commission expires on \_\_\_\_\_.

**IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

Petitioner, )  
                  ) )  
v.                  ) Civil Action No. \_\_\_\_\_ )  
                  ) )  
Respondent.   ) )

**VERIFICATION**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and say under oath that I am the (circle one) *Petitioner/ Respondent* in the above-styled action and that the facts stated in the \_\_\_\_\_ are true and correct.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature (*sign in front of notary*)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public,  
State of Georgia, County of \_\_\_\_\_,  
My commission expires on \_\_\_\_\_.

**IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

Petitioner/ Plaintiff: \_\_\_\_\_

vs.

Respondent/Defendant: \_\_\_\_\_

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

This is to certify that I have served the \_\_\_\_\_  
*(describe pleading being sent)*

\_\_\_\_\_ upon the \_\_\_\_\_  
*(designation of opposing party, i.e. Respondent or Petitioner)*

- by placing a copy in the United States Postal Service, with postage prepaid, OR
- by hand delivering a copy
  - to the opposing party who is representing him/herself without an attorney

OR

- to the attorney for the opposing party

whose name and address are listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Pro Se (sign your name)  
Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_