

*Plaintiff(s),*  
*-against-*

**ORAL ANSWER  
ACTION FOR MONEY ONLY**

*Defendant(s),*

Defendant \_\_\_\_\_ has appeared and has orally answered the Complaint as follows:  
Defendant's address if different than address on summons: \_\_\_\_\_.

**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. \_\_\_ I do not owe this debt.

5. \_\_\_ I am a victim of identity theft or mistaken identity. I am not responsible for this debt.

6. \_\_\_ I have paid all or part of the debt.

7. \_\_\_ I disagree with the amount of the debt/the amount is incorrect.

8. \_\_\_ I do not have a business relationship with Plaintiff. (Plaintiff lacks standing.)

9. \_\_\_ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect debt.

10. \_\_\_ Plaintiff does not allege a debt collector's license number in the Complaint.

11. \_\_\_ Statute of limitations (the time has passed to sue on this debt).

12. \_\_\_ This debt was discharged in bankruptcy.

13. \_\_\_ The collateral (property) was not sold at a commercially reasonable price.

14. \_\_\_ Unjust enrichment (the amount demanded is excessive compared with the original debt).

15. \_\_\_ Violation of the duty of good faith and fair dealing.

16. \_\_\_ Unconscionability (the contract is unfair.)

17. \_\_\_ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).

18. \_\_\_ Defendant is in the military.

19. \_\_\_ Other \_\_\_\_\_

**OTHER**

20. \_\_\_ Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

**COUNTERCLAIM(S)**

21. \_\_\_ Counterclaim(s): \$ \_\_\_\_\_ Reason: \_\_\_\_\_

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

Date: \_\_\_\_\_ Part: \_\_\_\_\_ Room: \_\_\_\_\_ Time: \_\_\_\_\_ Both sides notified \_\_\_\_\_

Plaintiff/Plaintiff's Attorney's name and address:

FREE CIVIL COURT FORM

No fee may be charged to fill in this form.

Form can be found at: <http://www.nycourts.gov/courts/nyc/smallclaims/forms.shtml>.

CIV-GP-58c Oral Answer Money Only (Revised 12/08)