

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)