

Cause Number \_\_\_\_\_  
(Complete the heading so that it looks exactly like the Petition)

\_\_\_\_\_ In the (check one):  
Plaintiff (Print Full Name) \_\_\_\_\_  District Court  
\_\_\_\_\_ Court Number  County Court at Law  
v. \_\_\_\_\_  Justice Court (JP)  
\_\_\_\_\_ County,  
Defendant (Print Full Name) \_\_\_\_\_ Texas

### Defendant's Answer

**WARNING:** Talk to a lawyer **before** filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first talking to a lawyer. For example, if you file an answer, you may be agreeing that the case can move forward in Texas. For help finding a lawyer, call your local lawyer referral service. If you do not have enough money to hire a lawyer to take your whole case, you can hire a lawyer just to give you advice and help you fill out this form. This is called Limited Scope Representation. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

**INSTRUCTIONS:** If you decide to use this Defendant's Answer form:

- Fill it out completely and sign it.
- File (turn in) your completed answer form at the Courthouse where the Petition was filed.
- It does not cost anything to file an answer.
- If you have been served, you have a limited time to file an answer. Counting from the day you were served, you have 20 days plus the following Monday, at 10 a.m. to file an answer. If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you.
- Keep a copy of your answer for your records.
- Send a copy to the Plaintiff's lawyer or to the Plaintiff if they are not represented by a lawyer.
- Filing an answer usually means you have 30 days to exchange **Required Initial Disclosures**. Read more at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

#### 1. Defendant's Information

My name is \_\_\_\_\_. I am the Defendant in this Case.  
(PRINT your full name.)

The last three numbers of my driver's license number are \_\_\_\_\_. My driver's license was issued in (State) \_\_\_\_\_.

Or  I do not have a driver's license number.

The last three numbers of my social security number are \_\_\_\_\_.

Or  I do not have a social security number.

#### 2. General Denial ..... Texas Rules of Civil Procedure Rule 92

I enter a general denial.

I request notice of all hearings in this case.

### 3. Specific Pleas Made Under Penalty of Perjury

Read Texas Rules of Civil Procedure Rule 93 for a list of specific pleas that must be verified or made under penalty of perjury. Ask a lawyer which specific pleas apply to your case.

I make the following specific pleas under penalty of perjury:

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### 4. Affirmative Defenses

Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful, you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may forever give up that defense.

I claim the affirmative defenses checked below:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> accord and satisfaction | <input type="checkbox"/> estoppel                 | <input type="checkbox"/> license                |
| <input type="checkbox"/> arbitration and award   | <input type="checkbox"/> failure of consideration | <input type="checkbox"/> release                |
| <input type="checkbox"/> assumption of risk      | <input type="checkbox"/> fraud                    | <input type="checkbox"/> res judicata           |
| <input type="checkbox"/> contributory negligence | <input type="checkbox"/> illegality               | <input type="checkbox"/> statute of frauds      |
| <input type="checkbox"/> discharge in bankruptcy | <input type="checkbox"/> injury to fellow servant | <input type="checkbox"/> statute of limitations |
| <input type="checkbox"/> duress                  | <input type="checkbox"/> laches                   | <input type="checkbox"/> waiver                 |

- I already paid the debt sued for. I paid \$ \_\_\_\_\_ to \_\_\_\_\_  
on \_\_\_\_\_ by \_\_\_\_\_.  
(date) (check, cash, etc.)

Write any other details regarding payment of the debt here:

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- I also claim these additional affirmative defenses:

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I reserve the right to file an Amended Defendant's Answer with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims, or third-party claims, as applicable, after further investigation and discovery.

### 5. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

▶ \_\_\_\_\_  
Defendant's Signature Date

\_\_\_\_\_ Phone  
Defendant's Printed Name

\_\_\_\_\_ City State Zip  
Mailing Address Fax (if available)

\_\_\_\_\_ Email:

I understand that I must let the Court, the Plaintiff's lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

### 6. Unsworn Declaration Made Under Penalty of Perjury

"Perjury" means making a false statement under oath, which is a crime, so everything in this Answer must be true.

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

My name is: \_\_\_\_\_  
First Middle Last

My date of birth is: \_\_\_\_/\_\_\_\_/\_\_\_\_.  
Month Day Year

My address is: \_\_\_\_\_  
Street Address City State Zip Code Country

I declare **under penalty of perjury** that: 1) I am the Defendant in this case, 2) I have read this Defendant's Answer, and 3) the statements in this Defendant's Answer are within my personal knowledge and are true and correct. I understand that it is a crime to lie on this form.

Formally signed **under penalty of perjury** in \_\_\_\_\_ County, \_\_\_\_\_ State,  
County State

on this date: \_\_\_\_/\_\_\_\_/\_\_\_\_.  
Month Day Year

▶ \_\_\_\_\_  
Defendant's Signature

