

How to File an Answer in Court, Blank Sample Answer Form and Instruction

HOW TO FILE YOUR OWN ANSWER IN DEFENSE OF A COURT CASE

THIS HANDOUT WAS PREPARED BY
LEGAL SERVICES OF GREATER MIAMI, INC.

I. INTRODUCTION

The response to a lawsuit filed against you in court is called an Answer. Most of the information you need to file your Answer is contained in the summons delivered to you with the lawsuit. If you don't file a response to the lawsuit, then a Default can be entered against you, and later a Default Final Judgment. This means you will lose the case.

II. WHEN TO FILE

The summons says whether you must file on Answer within 20 or 30 days after you receive a copy of the summons and lawsuit. If the 20th or 30th day is a weekend or legal holiday, your Answer is due the following business day.

If you received a 5 day summons in an eviction case, you must file an Answer within 5 days after you were served. In counting the 5 days don't count Saturday, Sunday and holidays. Filing simply means going up to the clerk at the counter of the courthouse and telling him or her that you want to file an Answer. The clerk will either take your answer or direct you to a clerk who will. It does not cost anything to file an Answer.

When you file your Answer take the original and two copies. The clerk will keep the original for the court file. She will stamp the date on your copy so you have that for your records. Mail the other copy to the Plaintiff or the Plaintiff's attorney.

The Miami-Dade County Clerk's offices are open at 9:00am and close at 4:00pm, Monday through Friday. The clerk of the

U.S. District Court is open until 5:00pm, Monday through Friday.

III. WHAT TO FILE

Your Answer should contain a response to each paragraph in the Plaintiff's lawsuit. State whether you agree or disagree with each paragraph contained in the lawsuit. If you do not have enough information to respond to a paragraph of the lawsuit, then you should write that you have no knowledge of the matter or not enough information to respond.

Your Answer should also contain any defense that you have to the lawsuit. You should explain anything which is in your favor and important facts which are not in the Plaintiff's lawsuit.

At the end of the Answer you must sign your name and include your address and telephone number. Also, you must certify that you have mailed a copy of the Answer to the Plaintiff or to Plaintiff's attorney and give the date you mailed it to them. You must also sign your name under this certification.

Attached is a form Answer as an example. You may be able to write in the necessary information in the blank spaces on the form and file it in your own case.

IV. WHERE TO FILE ANSWER

To find out where to file your Answer, look first at the very top of the summons and lawsuit. If the lawsuit was filed in the Miami-Dade County Circuit Court, then your Answer must be filed with the Clerk of the

Circuit Court on the first floor of the Miami-Dade County Courthouse, 73 West Flagler Street, Miami, FL.

If the lawsuit was filed in the County Court for Miami-Dade County, then you must next refer to the Case Number, also at the top of the Summons and the lawsuit. If the Case Number includes a "CC", then your Answer must be filed in the following places:

COURT LOCATIONS

The numbers in parentheses are the branch court number:

- (05) Dade County Courthouse
73 West Flagler Street
Miami, FL
- (20) Caleb Center
(N.W. District)
5400 NW 22 Avenue, Room 205
Miami, FL
- (23) North Dade Justice Center
(North Dade District)
15555 Biscayne Blvd.
North Miami Beach, FL
- (24) Miami Beach Branch
East District
1130 Washington Avenue
Miami Beach, FL
- (25) Coral Gables Branch
(South Central District)
2801 Salzedo Street
Coral Gables, FL
- (26) Cutler Ridge Branch
(South District)
10710 SW 211 Street
Miami, FL

If your lawsuit was filed in the County Court for Miami-Dade County but the case number

is followed by a "SP", then you must carefully read the instructions in the summons. Your case is in the Small Claims Court division. You do not have to file an Answer, but you or your attorney must go to the pretrial hearing on the date and time and at the address listed on the summons. At the pretrial hearing you will find out if there is a chance of settling the case. You will find out what evidence the other side will offer at trial. If no settlement is reached, then you must get a date and time for the trial of your case.

If the lawsuit was filed in the U.S. District Court for the Southern District of Florida, you must file your Answer with the Clerk of the Federal Court on the first floor of the U.S. Courthouse, 301 North Miami Avenue, Miami, FL.

V. FLORIDA BAR LAWYER REFERRAL SERVICE

You may call the Florida Bar Lawyer Referral Service at 1-800-342-8011 and ask for a referral to an attorney on their Low Cost Panel. The clerk will ask you about your income. If you qualify, you will be referred to a private attorney who will charge you a reduced fee. The first half hour of consultation with the attorney will be free.

If you do not qualify for the reduced fee attorney, you will be given the name of an attorney who charges regular fees. However, that attorney will only charge you \$25.00 for the first half hour consultation.

LEGAL SERVICES OF GREATER MIAMI OFFICES

MAIN OFFICE

3000 Biscayne Boulevard,
Suite 500
Miami, Florida 33137
Telephone (305) 576-0080
TDD (305) 573-1578

REGIONAL OFFICES

SOUTH DADE LAW CENTER

10720 Caribbean Boulevard #400
Miami, Florida 33189
Telephone (305) 232-9680
TDD (786) 242-0207

KEY WEST OFFICE

600 White Street
Key West, Florida 33040
Telephone (305) 292-3566
TDD (305) 292-9772

NEIGHBORHOOD OFFICES

LIBERTY CITY OFFICE

LIBERTY CITY COMMUNITY ENRICHMENT CENTER

6100 A Northwest 7th Avenue
Miami, Florida 33127
Phone (305) 751-5362

Call Main office for times when clients are seen

FLORIDA CITY NEIGHBORHOOD OFFICE

1600 NW 6TH Court
Florida City, FL 33034

Call South Dade office for times when clients are seen

INSTRUCTIONS FOR PREPARING AND FILING AN ANSWER

Please follow these instructions, and complete each and every step as listed below:

- STEP #1: Complete the Answer by :
- A. Writing the names of the plaintiff and defendant(s) on the top left
 - B. Writing the case number on the top right
 - C. Fill in your name where it says "Answer of Defendant _____"
 - D. Write down the reasons your home should not be foreclosed or whether you want time to sell your home, time to move, time for refinance, etc.
 - E. Signing your name(s), address and phone number on the line above Defendant (s)
- STEP #2: Make two copies of the Answer.
- STEP #4: Take the two copies and the original to the Courthouse at 73 West Flagler Street, Miami, Florida and file them with the Clerk of Courts. Ask the Clerk for two date-stamped copies of your Answer. (You do not have to pay the Clerk to do these steps.)
- STEP #5: Mail one date stamped copy of the Answer to the plaintiff's attorney. Keep the second date-stamped copy for your records.

After you do this, you can go to <http://www.miami-dadeclerk.com/civil/pubsearch.asp> or call (305) 275-1155 to get information about any hearings or other activity in your case.

IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.

Plaintiff

vs.

Defendant (s).

_____ /

ANSWER FROM DEFENDANT _____

CERTIFICATE OF SERVICE

The undersigned certifies that on this date _____, a true copy of this Answer was mailed to _____, Attorney for Plaintiff, at the address of _____

Defendant Signature

Printed Name

Address

Phone Number