

**USE ONLY IN CASE OF EMERGENCY TO MEET YOUR DEADLINE**

The following answer should only be used to prevent a Default Judgment against you in a **CIVIL ACTION** filed against you in a Texas **STATE COURT**.

It cannot be used in Federal Court, other states or criminal actions. Courts have their own rules of pleading including local rules and their own court procedures. For example in Montgomery County Texas all document must filed electronically and not mail. Contact the clerk of the court to make sure you comply with their rules. This make it more complicated to represent yourself. Be sure you follow the service procedure in the Certificate of Service. If served in person carry an extra copy of the answer with you with an extra line that states:

"I acknowledge that Defendant delivered a copy of the forging Answer to me on Date: \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_.m.

SIGNATUE: \_\_\_\_\_"

For a Fax keep the receipt that prints out for Certified mail Return Receipt staple the return receipt to the Answer.

If the Petition has an affidavit attached be sure to go over it to see if the Plaintiff is suing on "Sworn Account". If Plaintiff is suing on a "Sworn Account", you must add the following Verification at the end of your Answer and have it notarized before you file. This is out of precaution in that the cause of action of "Sworn Account" is not available to financial intuitions suing on a credit card account.

**VERIFICATION**

BEFORE ME, the undersigned authority, personally appeared [Your Name] who after being by me duly sworn, deposed as follows:

"My name is [Your Name]. I am at least 18 years of age and of sound mind. I am personally acquainted with the facts alleged in the foregoing Original Answer regarding the denial of the sworn account, which are true and correct."

[Your Signature] \_\_\_\_\_  
[Your name]

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2010 in \_\_\_\_\_ County, Texas.

(Signature of Notary]

The Answer should then be filed with the Clerk of the Court. Include a copy to be returned to you.

**YOU HAVE JUST BEGUN – YOU HAVE NOT COMPLETED THE REQUIREMENTS.**

More than likely you were severed with discovery request with the petition. If you FAIL TO RESPOND TIMELY – or you give the wrong answers without proper objections-- you will more than likely lose your case. Your attorneys will want to be a part of responding and objecting to the discovery request to help you to reach the best possible outcome for you.

I cannot encourage you enough to ask an attorney to review your case. It will prevent years of emotional trauma and be far less expensive than allowing a judgment against you. Over 80% of defendant who are sued on credit card accounts do not retain an attorney on cases that could be won or negotiated to their benefit. The vast majority of cases in which the debtor retains an attorney result in a judgment for the debtor or a favorable. In a large number of cases the debtors have counter claims the can assert that will provide damages to then as well as attorneys and court cost.

Make your appoint to review your case with an attorney as soon as possible.—you will be glad you did,

Cause No. [Case Number]

[Plaintiff's Names]  
Plaintiff,

-vs.-

[Your Name as it appears on  
Petition],  
Defendant.

[Name of Court]

NUMBER [Court Number]

[County of Court] COUNTY, TEXAS

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DEFENDANT'S ORIGINAL ANSWER

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, [Your Name in Caps], Defendant herein, and files this Original Answer in response to Plaintiff's Original Petition, and in support thereof would show the following:

I.

Defendant generally denies the allegations made in Plaintiff's Original Petition.

II.

The last three digits of Defendant's Social Security number is [Last three digits of you Social Security #] and the last three digits of Defendant's Driver's License are [Last three digits of you Texas Driver's Lic. #].

III.

[If you do not remember obtaining a disclosure from the original creditor include the following two paragraphs.]

Plaintiff may not bring a cause of action against Defendant because it or its predecessors in interest did not comply with 15 U.S.C. § 1642 because it or its predecessors in interest failed to obtain a request for application for the credit card alleged in the complaint.

[If you do not believe you received all the statements of this account add the following paragraph]

Plaintiff may not bring a cause of action against Defendant because it or its predecessors in interest did not comply with 15 U.S.C. § 1637(a) because it or its predecessors in interest failed to provide Defendant the requisite disclosure in connection with the credit card alleged in the complaint.

Plaintiff may not bring a cause of action against Defendant because it or its predecessors in interest did not comply with 15 U.S.C. §1637(b) because it or its predecessors in interest failed to provide Defendant the requisite statements in connection with the credit card alleged in the complaint.

Because Plaintiff or its predecessors in interest failed to comply with 15 U.S.C. § 1642, 1637(a) or 1637(b) , it may not collect the debt alleged in the complaint.

[If you believe that you do not owe this account add the following paragraph.].

Defendant is not indebted to Plaintiff on this account.

[If you believe the Statute of Limitation has expired add the following paragraph add. With certain exceptions the SOL in Texas for a credit card debt expires four years after paying the full amount of the minimum payment due on monthly statement or the date of your last charge or cash advance on the account. EXCEPTION – f you acknowledge the debt in writing and your intent to pay the SOL start again for the date of the writing ]'

Defendant pleads the Statute of Limitations,

[If you discharged this debt in bankruptcy add the following paragraph]

Defendant suggest on the record that Defendant obtained the discharge of this debt in bankruptcy,

[If the Plaintiff sued on "Sworn Account" add the following paragraph]

Defendant specifically denies the allegations of the sworn account. Defendant specifically denies that the amount of the account is due to Plaintiff as alleged and further denies that all just and lawful offsets, payments, and credits have been allowed.

VI.

Defendant request Plaintiff to provide disclosures pursuant to Rule 194.2 Texas Rules of Civil Procedure. You must respond to the request for disclosure as required by Texas Rule of Civil Procedure 194.2 within 30 days of service of this request.

#### PRAYER

WHEREFORE, Defendant requests that Plaintiff take nothing and that a judgment be entered awarding Defendant recover costs of court as well as such other and further relief to which Defendant may be entitled.

**CERTIFICATE OF SERVICE-**

[You must specifically serve the Plaintiff's attorney by one of the following methods. If the Plaintiff does not have an attorney then serve the Plaintiff by one of these methods]  
[Check the appropriate box].

On the date shown below a copy hereof was \_\_\_\_delivered in person or \_\_\_\_delivered in person by agent or delivered by courier with receipted delivery or sent by certified mail, return receipt requested, or \_\_\_\_sent by telephonic document transfer before 5:00 p.m. of the recipient's local time to every party in this case.

[Name of Plaintiff's Attorney or Plaintiff depending on who you served.]

[Their complete Address]

[Their phone number]

[Their Fax number]

Certified: [Date you served Plaintiff's Attorney].

Respectfully submitted,

[Your Signature]

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[Your names]

[Your address]

[City, Texas zip]

[Your phone number]

[If you have a fax add the number here]

Pro se