



**26th Judicial District
SelfServe Center**

DISTRICT COURT ANSWER

NOTE:

**THIS PACKET CONTAINS INFORMATION REGARDING FILING A RESPONSE TO A
GENERAL CIVIL DISTRICT COURT CLAIM.**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

**IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use
of these forms, or your legal rights, it is strongly recommended that you
consult with or retain an attorney.**

IN NO EVENT will the SelfServe Center staff, Clerk of Court, Caseflow Management Division, or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from the use of the forms or information provided to you by the SelfServe Center.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!

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THIS PACKET IS FOR FILING AN ANSWER ONLY.
PLEASE OBTAIN AN ANSWER AND COUNTERCLAIM
PACKET IF YOU WISH TO FILE A COUNTERCLAIM.

**PLEASE CAREFULLY READ THE FORMS AND
INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT
WITH AN ATTORNEY.**

**THESE ARE EDUCATIONAL FORMS DESIGNED TO
ASSIST YOU, BUT YOU ARE REPRESENTING
YOURSELF. PLEASE REVIEW AND FOLLOW THE
DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN
YOUR CASE. FAILURE TO READ AND FOLLOW THE
INSTRUCTIONS MAY ADVERSELY IMPACT YOU.**

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to respond to a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the Self Serve Center or Caseflow Management Division staff to direct you to a lawyer referral service or list of local attorneys willing to provide “unbundled services” (*representation for a limited portion of a case at an hourly rate*).

How will it help me?

If you do not plan to use an attorney, this packet will guide you through the process by providing certain forms you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct forms for the nature of your case. Therefore, you should review and research *applicable laws and rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.

What does this mean?

Certain legal terms will be used throughout your case. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. You may also want to consult the North Carolina Rules of Court and the website www.nccourts.org to review the local rules for Mecklenburg County. Staff CANNOT provide legal advice but can provide procedural information and definitions of legal terms.

What is an Answer?

An answer is a response to a complaint that has been filed against you. These forms allow you to file a document telling the Judge which parts of the Plaintiff's complaint that you agree and disagree with. **YOU MUST FILE THESE DOCUMENTS WITHIN 30 DAYS OF BEING SERVED WITH THE PLAINTIFF'S COMPLAINT. THIS IS EXTREMELY IMPORTANT!**

Can I or should I file an Answer and Counterclaim?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file a response or what you should file. We can tell you if you have been served with a complaint **WITHIN THE LAST 30 DAYS** and you would like to file a response informing the Judge of which parts of the Plaintiff's complaint that you agree or disagree with this packet is for you. This packet is designed to assist with the preparation of forms for responding to a civil lawsuit filed against you. You as the Defendant will be responsible for properly filing your Answer with the Clerk of Court and serving it on the Plaintiff.

What do I do first?

1. After you get the packet, **READ THE INSTRUCTIONS!** You should read through the entire packet before filling out any forms. Once you have read all the instructions, fill out the forms by printing *neatly* in **black** ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a “Verification” page. This means that they must be signed in the presence of a Notary Public. If the document does require this, do not sign until you are in front of a Notary. They can be found at banks, law firms, and insurance agencies. A few may also be found in the Yellow Pages. Notaries often charge a small fee and require you to show a picture ID for their services. Be sure you have your documents already notarized when you take them to the Clerk’s Office to file.
2. There is no filing fee for responding to a lawsuit or making a counterclaim. You are required to file your Answer with the Clerk of Court and send a copy to the Plaintiff. You may serve your Answer by delivering a copy to the Plaintiff or by mailing it to the Plaintiff’s last known address. You are not required to serve the Plaintiff by Sheriff or Certified Mail, but you may choose to serve your papers by Sheriff or Certified Mail.
3. Once you have read through the packet, take your completed forms plus two copies to the Civil Filing Department (Clerk’s Office) at 832 E. Fourth Street, Room 3725. Do not mail your Answer to the Plaintiff until you have filed it with the Clerk of Court.

IMPORTANT REMINDERS BEFORE YOU BEGIN

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and get advice from an attorney. Judges, Clerk of Court, SelfServe Center staff or the Caseflow Management Division **CANNOT** give you legal advice. All persons (attorneys and self-represented parties) are required to know and follow the court rules. If you choose to represent yourself, you are responsible for reading and understanding the State and Local Rules of Court.

Lawyer Referral Services:

Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or www.meckbar.org

North Carolina Lawyer Referral Service: (800) 662-7660

STEP 1

Reviewing and Filling Out Your Documents

ATTENTION: If it has already been 30 days since you were served with the Complaint, there is a chance that your response may not be accepted by the Court because it was not filed in a timely manner.

CHECKLIST

Review your packet to make sure that the following document is included:

- ❖ ANSWER
- ❖ VERIFICATION (to be signed in the presence of a Notary Public)
- ❖ CERTIFICATE OF SERVICE

Once you have reviewed your documents and all instructions, you should fill out the ANSWER, VERIFICATION (in front of a Notary), and CERTIFICATE OF SERVICE forms. Remember to sign the form wherever a signature is required.

STEP 2

Photocopying Documents

Make two (2) copies of your ANSWER, VERIFICATION, and CERTIFICATE OF SERVICE. Copies can be made for a fee in the Civil Files Office, Room 3342.

STEP 3

Filing the Documents

Take your original document and two copies to the Civil Filing Department (832 E. Fourth St., Room 3725) for filing. Make sure you write your file number in the upper right-hand corner of your document. Please make a note of your file number and print or type it on the upper right-hand corner of ALL of your papers filed with the court in this case.

STEP 4

Serving your ANSWER on the Plaintiff

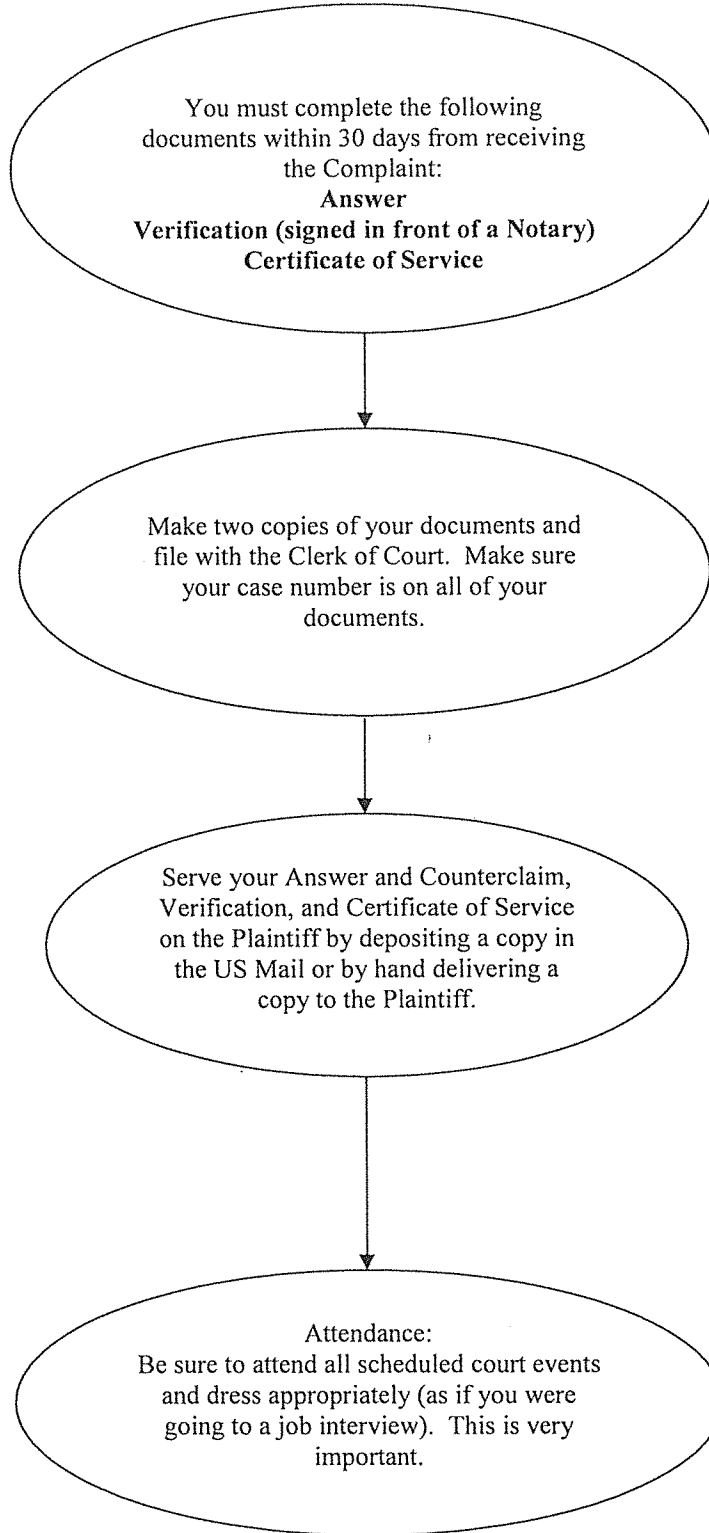
Once you have filed your documents with the Clerk of Court, you must deliver a copy to the Plaintiff so they will know you have responded to the Complaint. You may serve the Plaintiff by delivering a copy of the ANSWER, VERIFICATION, and CERTIFICATE OF SERVICE to the Plaintiff or by depositing a copy in the U.S. Mail to the Plaintiff's last known address. You are certifying that you have completed this step by filling out the CERTIFICATE OF SERVICE form included in your packet.

If 30 days have passed from the date you were served and you have not filed for an Extension of Time to File an Answer, your Answer may not be accepted by the Court as a valid response and you may be subject to Judgment by Default.

STEP 5
Receiving a Court Date

For your case to be placed on the court's calendar to be heard, you must have filed all of the required documents, served the other party, and the party who is being counter sued typically has responded by filing an Answer. Once the Answer and Counterclaim has been completed and filed, your case may be put on the court's calendar for Arbitration or Trial. Cases set for trial may be tried by a Judge or before a jury. Arbitration is a simple, inexpensive, and quick way to resolve disputes prior to trial and is required in all cases involving claims for \$15,000 or less. Collection on account cases (where that is the sole claim), summary ejection evictions, and titles to real estate are not subject to arbitration. **Please note: Because of the nature of District Court, most cases are heard as bench trials before a Judge only. Should you seek a jury trial (if it is a triable issue), you will be responsible for selecting and questioning potential jurors. The Judge will not be able to advise you on in any way.**

Procedural Flowchart



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILE NUMBER: _____

JURY REQUESTED

_____)
_____)
_____)
)
Plaintiff,)
)
vs.)
)
_____)
_____)
_____)
)
Defendant.)
_____)

ANSWER TO COMPLAINT

I, the Defendant, answer the complaint of the Plaintiff as follows:

I admit deny that this court has jurisdiction over this matter.

If denied, state reason:

1. Defendant admits the allegations contained in paragraph(s) *(insert the paragraph number(s) or letter(s) from the Complaint that you agree with)* _____ of the Complaint.

2. Defendant denies the allegations contained in paragraph(s) *(insert the paragraph number(s) or letter(s) from the Complaint that you disagree with)* _____ of the Complaint.

3. After investigation, defendant lacks sufficient knowledge and information to form an opinion as to the truth or falsity of the matters alleged in paragraphs(s) *(insert the paragraph number(s) or letter(s) that you do not know to be true or false because you do not have enough information to say whether they are true or false)* _____ of the Complaint; the allegations are therefore denied with proof demanded at trial.

This ____ day of _____, 20____.

Defendant

Address

City/State/Zip

Telephone

VERIFICATION

_____ says that he/she is the Defendant in this matter and that he/she has read the foregoing ANSWER TO COMPLAINT and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief; and as to those matters and things, he/she believes them to be true.

Defendant

Sworn to and subscribed before me

this _____ day of _____, _____

Notary Public

My Commission expires _____

CERTIFICATE OF SERVICE

I hereby certify that I have served this ANSWER TO COMPLAINT on the Plaintiff by delivering a copy of the ANSWER TO COMPLAINT to the Plaintiff or by depositing a copy in the U.S. Mail, in an envelope with postage paid, addressed to the Plaintiff as follows: *(insert name and address of Plaintiff below)*

This the _____ day of _____, _____.
(date) (month) (year)

(Sign your name here)