

## WHAT DO I DO NEXT ?

Once your original is filed, the court will keep you advised of all hearings so that you may continue with your defense.

Make at least two copies of your answer. The original answer is filed with the Clerk of the Court where the lawsuit was filed. Look at the summons to see which court the lawsuit was filed in.

You must also mail one copy of the answer to the plaintiff's attorney. Look at the name and address on the summons to see where to send the plaintiff's copy. Keep one copy for your records.

Contact your local legal services office if you have any questions or if you need assistance in preparing your answer.



## About FloridaLawHelp.org

FloridaLawHelp.org is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.

This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney.



The Florida Bar Foundation,  
with Interest on Trust Accounts  
program funding, provides support  
for this service.

FloridaLawHelp.org

To locate your local legal aid or legal services office, please visit us on the web at

[www.floridalawhelp.org](http://www.floridalawhelp.org)

Your local legal aid or legal services office can be located through either the "Find Local Help" or "Directory" links at the top of the page.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.

FloridaLawHelp.org

# Filing Your Answer to a Foreclosure



**DO NOT DELAY!**

## WHY FILE AN ANSWER ?

If you are served with a summons and complaint for foreclosure, this means your lender has filed a lawsuit against you.

*If you do not want to lose your right to defend yourself and participate in the court proceedings, you must file an answer.*

## WHEN MUST YOU RESPOND ?



You have twenty (20) days to file your answer. Count twenty days starting with the day after you are served and count every day, including Saturdays, Sundays and holidays.

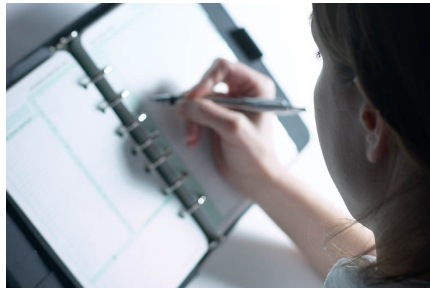
You must respond even if:

- you are talking to your lender to try to work out a deal or get a modification
- your lender says you don't have to respond
- you have scheduled a mediation

## WHAT IF I DO NOT RESPOND OR DO NOT MEET THE DEADLINE ?

**IF YOU FAIL TO FILE YOUR ANSWER (WRITTEN RESPONSE) TO THE FORECLOSURE COMPLAINT WITHIN 20 DAYS AFTER BEING SERVED, THE COURT WILL ENTER A DEFAULT AGAINST YOU, ALLOWING THE FORECLOSURE TO PROCEED WITHOUT ANY FURTHER NOTICE TO YOU FROM THE COURT OR YOUR LENDER**

There are some limited circumstances where a default may be challenged. Contact your local legal aid office immediately if you do not understand the response time frames or if you receive a default judgment and you have not previously been notified of the law suit.



## WHAT DO I SAY IN MY ANSWER ?

Every paragraph in the complaint is usually given a number. You should respond to each numbered paragraph in the complaint. You can group your responses into those paragraphs you agree with, those you disagree with and those you cannot answer. If you disagree, you **DO NOT** have to explain why you disagree. You can use the sample form to the right.

If you have other reasons why there should not be a foreclosure, add additional numbered paragraphs and list your reasons.

At the top of your Answer, put the case number, your name and the names of the lenders as listed on the summons. Sign your answer at the end and add your address, telephone number and the date mailed.



**SAMPLE ANSWER**  
(must be completed on 8-1/2" x 11" paper)  
**IN THE CIRCUIT COURT,**  
**IN AND FOR \_\_\_\_\_ COUNTY, FL.**

Case # \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s) (Lender)

vs.

\_\_\_\_\_  
Defendant(s) (You)

### ANSWER OF DEFENDANT

1. Defendant admits the information in paragraphs \_\_\_\_\_
2. Defendant denies all of the information in paragraphs \_\_\_\_\_
3. Defendant doesn't know about the information in paragraphs \_\_\_\_\_
4. Other reasons why there should not be a foreclosure: \_\_\_\_\_

I certify that a copy hereof has been filed with the Clerk of the Court and that a copy has been furnished to the Plaintiff's attorney by mail at (plaintiff's attorney address) \_\_\_\_\_ on (date) \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant(s)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number