

ANSWER INSTRUCTIONS
FOR
PRO SE DEBTORS



DEBTOR ASSISTANCE PROJECT
P.O. Box 76900, LOS ANGELES, CA 90076
(213) 385-2977, EXT. 704
www.publiccounsel.org

I. What is an Answer?

You have been sued in bankruptcy court by one or more of your creditors, and you must now prepare an answer. The answer is your opportunity to respond to the case against you. If you do not file an answer, the bankruptcy court may enter a default judgment against you. This means that you will lose the case.

It is important that you speak to an attorney as soon as possible about your case. If you cannot afford an attorney, you may prepare an answer on your own by following these answer instructions. Please note, however, that the answer instructions are merely a guide to assist you through the process and are NOT intended to be legal advice.

II. Completing the Answer

Each page has numbers on the left side of the page. The instructions below refer to the lines and blank spaces opposite those numbers. You will find most of the information you need in the plaintiff's complaint.

Step 1: Name and Address

Page 1, Line 1: Write your name.

Page 1, Lines 2-4: Write your mailing address, city, state and zip code.

Page 1, Line 5: Write your telephone number.

Step 2: Filling in the Case Caption

Fill in the blank spaces in the case caption found on Page 1, Lines 10-21 as follows:

Page 1, Line 10: After the words "In re", write your name.

Page 1, Line 10: After the words, "BK No", write your bankruptcy case number (this is on your bankruptcy petition and probably also in the case caption of the complaint).

Page 1, Line 12: After the words, " ADV No" write the adversary complaint number listed in the complaint.

Page 1, Line 16: In the space above the word "Plaintiff(s)", write the plaintiff's name. This will also be listed in the case caption of the complaint.

Page 1, Line 21: In the space above the word "Defendant(s)", write your name.

Page 1, Line 18: After the word "DATE", write the date of the status conference (or hearing) in the case. This will be listed in the case caption of the complaint.

Page 1, Line 19: After the word "TIME", write the time of the status conference (or hearing) in the case. This will be listed in the case caption of the complaint.

Page 1, Line 20-23: After the word "PLACE", write the location of the status conference in the case. This will be listed in the case caption of the complaint.

Step 3: Responding to Plaintiff's Allegations

Read plaintiff's complaint carefully. Each paragraph should be numbered. You can respond to each paragraph in one of three ways:

If the information in the paragraph is true, check the "ADMIT" column.

If any information in the paragraph is not true, check the "DENY" column.

If you do not yet have enough information to determine whether the information in the paragraph is true or not true, check the "I DO NOT HAVE ENOUGH INFORMATION TO ANSWER AND THEREFORE DENY" column.

Example: If Paragraph 1 of plaintiff's complaint states that you reside in Los Angeles County, and this is true, then check the "ADMIT" column.

You must respond to each paragraph. If there are more than 38 paragraphs, add more lines to your answer or include another sheet.

Step 4: Signing and Dating the Answer

Page 3, Line 26: Write today's date.

Page 3, Line 28: Sign your name.

Your answer is complete! Now make three (3) copies of the answer and keep one for yourself.

III. Proof of Service

Now that your answer is complete, you will need a proof of service. This is a one-page form that tells the court that a copy of your answer was mailed to the plaintiff's attorney and the United States Trustee. Please note that someone else must mail the answer and prepare the proof of service. You can ask a friend to do this, but he or she must be at least eighteen (18) years old.

Step 1: Mailing your Answer

The person who mails your answer should send it to the plaintiff's attorney. (The name and address of plaintiff's attorney is on the first page of the complaint.) Another copy should be mailed to the United States Trustee at:

Office of the United States Trustee
Ernst & Young Plaza
725 South Figueroa Street, Suite 2600
Los Angeles, CA 90017

Step 2: Filling out the Proof of Service

After someone else has mailed copies of your answer, he or she must fill out the proof of service form. Below are the instructions.

Page 4, Line 2: The person who mailed your answer should write his or her name.

- Page 4, Lines 4-5: The person who mailed your answer should write his or her address.
- Page 4, Line 6: The person who mailed your answer should write the date that he or she mailed your answer.
- Page 4, Lines 11-14: Write the name and address of the plaintiff's attorney. This information is in the complaint.
- Page 4, Lines 16-19: Write the name of the United States Trustee in your case. This information is in the complaint.
- Page 4, Line 21: The person who mailed your answer should write the city where he or she mailed your answer.
- Page 4, Line 26: The person who mailed your answer should write the date and the city where he or she signed the proof of service.
- Page 4, Line 28: The person who mailed your answer should sign the proof of service.

Your proof of service is complete! Remember to attach the proof of service to your answer when you file it with the bankruptcy court.

IV. How to File

You can file your answer and proof of service in person or by mail. To file in person, go to the clerk's office located at the bankruptcy court. The court locations are:

For Los Angeles cases:

U.S. Bankruptcy Court
Attention: Clerk's Office
255 East Temple Street, Room 940
Los Angeles, CA 90012

For Woodland Hills cases:

U.S. Bankruptcy Court
Attention: Clerk's Office
21041 Burbank Boulevard
Woodland Hills, CA 91367

It is important that you file the answer on time so the bankruptcy court does not enter a default judgment against you. Make sure you know when the deadline is for filing your answer.