

Instructions for Completing the Pro Se Answer and Affirmative Defenses to Foreclosure Complaint.

This form and instructions are NOT a substitute for legal advice. In order to make sure that you understand all of your rights and responsibilities in a foreclosure action, you should seek legal advice.

Read the Summons to understand your rights and to determine the time period for filing an Answer or Responsive Pleading. Follow the instructions contained in the Summons related to filing and serving your Answer or Responsive Pleading to the foreclosure Complaint.

Additional time to file an Answer or Responsive Pleading may be granted by the court in certain circumstances upon a motion made to the court. A form called Notice of Motion and Motion for Extension of Time to Answer or Otherwise Plead is available to make such a request.

Completing the Form:

- Step 1: Write in the case caption at the top of the page, including the names of the Plaintiff(s); names of the Defendant(s) and Case number. This information is found at the top of the Summons and Complaint.
- Step 2: Fill in the name and address of the Plaintiff's attorney. This information can be found in the Summons or the Complaint or on CCAP (<http://wcca.wicourts.gov>).
- Step 3. In the answer, respond to each paragraph in the plaintiff's complaint. You should have the same number of paragraphs that the plaintiff's complaint does. For each you can write "admit" if you admit that what the plaintiff says in that paragraph is true; "deny" if you deny that what they say in that paragraph is true, or "don't have enough information to answer" that paragraph. You do NOT need to respond to paragraphs contained after the word "wherefore."
- Step 4. In the affirmative defense section, you can give additional reasons why you do not think that the court should order judgment against you. Number each reason separately. List any reason that you may want to bring up in court.
- Step 5. Sign and print your name, mailing address and telephone number.

Serving and Filing your Response:

- Step 1. Complete and sign the form.
- Step 2. Make at least one copy for you, one for the plaintiff's attorney and one for any other defendant named. The original will be filed with the court.

Instructions for Completing the *Pro Se* Response to Foreclosure Complaint.

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Step 3. You must file the original with the court and serve the Response on the plaintiff and any other defendant in the time period stated in the Summons. To serve the those parties you can mail, fax or hand deliver a copy of the Response at the address contained in the Summons and Complaint or found on CCAP. If you fax or hand deliver the Response, keep a copy of a receipt showing proof of the date and time of delivery. If you mail the Response, prepare a form called an “Affidavit of Mailing” which is available at the Justice Center OR mail it certified mail and keep your mailing receipt.

After serving a copy of the Response on the plaintiff’s attorney (and any other named party), the original should be mailed or hand delivered to the court in the courtroom of the judge assigned to your case. The name of the judge is stamped on the front of your summons and available on CCAP.

Step 4. After you serve and file your Response, the Court and the plaintiff’s attorney should copy you on all paperwork filed in your case and notify you of any hearings or court dates set in your case. To keep track of the events and status of your case, you can check the on-line court information system called CCAP (<http://wcca.wicourts.gov>).

**PRO SE ANSWER AND
AFFIRMATIVE DEFENSES TO
FORECLOSURE COMPLAINT**

Plaintiff(s)
vs.

Case No. _____

Defendant(s).

ANSWER

TO:

(Name of Plaintiff's Attorney)

(Address of Plaintiff's Attorney)

I am the defendant in this case. I am responding to the plaintiff's complaint as follows. [Answer each paragraph separately, attach more pages if necessary].

AFFIRMATIVE DEFENSES

In addition to the denial of certain statements in the plaintiff's complaint, I list these additional reasons why the court should not enter judgment against me (number each reason separately, attach more pages if necessary).

Check this box if you are attaching additional pages.

Signature Date

Print Name

Mailing address

Telephone number
