

## INSTRUCTIONS FOR FILING AND SERVING AN ANSWER & COUNTERCLAIM

It is very important to file a written answer to any legal action that is served on you if you want to respond to what the other side has requested in his/her petition. Filing an answer gives you the right to be notified of the hearing. If you fail to file a written answer, then you are telling the court that you are not contesting what the other side has requested and you are waiving your right to be notified by the Court of any court dates.

### GENERAL COMMENTS

Preparing an Answer and Counterclaim can be complicated. An attorney can answer any questions you have. If you are served by the sheriff, special process server or acknowledge service of a petition, you normally have thirty days to file a written answer with the clerk of Superior Court in the County in which the original petition was filed. If you have been served by publication, then you normally have sixty days from the date the petition is first published in the legal newspaper to file a written answer. When you are served, a summons will be on the top of the petition. It will tell you how many days you have to file a written answer with the Court and on whom you must serve a copy of your answer.

### INSTRUCTIONS FOR PREPARING AN ANSWER

You can use the attached form Answer and Counterclaim to draft your answer and counterclaim.

### CHECKLIST

- Prepare a Written Answer and/or Counterclaim to the Petition that was served on you.
- Complete the Verification Form Complete the attached Verification Form. You will need to sign this Verification in the presence of a Notary Public. Most libraries and banks have a notary on staff and will notarize your document for a fee.
- Complete a Certificate of Service Form
- File your Answer. Make copies of your documents.
- Serve one copy to the opposing party. This is normally done by mail. If you will be serving via the court's e-filing system, follow the Clerk's instruction for e-filing and e-service.

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, Petitioner, \*  
v. \* Civil Action Case Number:  
\_\_\_\_\_, Respondent. \* \_\_\_\_\_  
\*

ANSWER AND COUNTERCLAIM

My name is \_\_\_\_\_ and I am representing myself in this action. In response to each of the numbered paragraphs of the Petitioner's Complaint or Petition, I state as follows:

(Check only one answer to match each paragraph of the Complaint or Petition; whenever you choose the "partly true" answer, you must explain on the lines about what is true and what is false.)

(1)

The allegations of Paragraph One are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

\_\_\_\_\_  
\_\_\_\_\_

(2)

The allegations of Paragraph Two are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

\_\_\_\_\_  
\_\_\_\_\_

(3)

The allegations of Paragraph Three are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(4)

The allegations of Paragraph Four are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(5)

The allegations of Paragraph Five are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(6)

The allegations of Paragraph Six are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(7)

The allegations of Paragraph Seven are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(8)

The allegations of Paragraph Eight are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(9)

The allegations of Paragraph Nine are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(10)

The allegations of Paragraph Ten are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(11)

The allegations of Paragraph Eleven are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(12)

The allegations of Paragraph Twelve are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(13)

The allegations of Paragraph Thirteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(14)

The allegations of Paragraph Fourteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(15)

The allegations of Paragraph Fifteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(16)

The allegations of Paragraph Sixteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(17)

The allegations of Paragraph Seventeen are  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(18)

The allegations of Paragraph Eighteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(19)

The allegations of Paragraph Nineteen are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(20)

The allegations of Paragraph Twenty are:  admitted as true  denied as untrue  neither admitted nor denied because I do not have enough information to know the truth of the matter  partly true and partly untrue, specifically as follows:

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(21)

Defenses - In addition to my specific responses above, I have the following affirmative defenses to this action:

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**COUNTERCLAIM**

(22)

**Jurisdiction and Venue:** I am the Respondent or Respondent in this action and:  
[Check only one of the following, either (a) or (b).]

(a) I am a resident of the State of Georgia.

(b) I am not a resident of the State of Georgia, but the Petitioner or Petitioner is a resident of the State of Georgia.

The Petitioner or Petitioner has submitted to personal jurisdiction and venue by filing the Complaint or Petition.

(23)

**Service:** The Petitioner or Petitioner shall be served as provided under OCGA § 9-11-5(b), by hand delivery or mail to the address listed on the Summons.

(24)

**Settlement Agreement:** [Check only if there is a signed agreement.]

The Petitioner and I have entered into a Settlement Agreement, which we both want to be incorporated into the Final Order. The Settlement Agreement has been signed by each of us in front of a notary public, and I am filing the Settlement Agreement with the Court, together with this Answer and Counterclaim.

**FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:** [Check all that apply.]

- (a) That the Settlement Agreement signed by the parties be incorporated into the Final Order.
- (b) That I be granted \_\_\_\_\_
- (c) That I be granted \_\_\_\_\_
- (d) That I be granted \_\_\_\_\_
- (e) That the Petitioner be ordered to \_\_\_\_\_
- (f) That the Petitioner be ordered to \_\_\_\_\_
- (g) That the Petitioner be ordered to \_\_\_\_\_
- (h) \_\_\_\_\_
- (i) \_\_\_\_\_
- (j) That a Rule Nisi be scheduled by the Court to decide on the relief I have requested;



(k) That the Court order any and all other relief that the Court finds appropriate.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner, Pro se (Signature)

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_