

Debt Collection Answer Instructions

Who should use the Debt Collection Answer form?

You should fill out this form if someone sues you for a debt and served you with a summons and complaint that does not say “Small Claims.” The complaint says why someone thinks you owe them money. Each defendant must file a separate answer (spouses and registered Domestic Partners may file a joint response).

NOTE: This form is *not* for small claims cases. If you are being sued in small claims court, you can find the small claims answer form online at www.courts.oregon.gov/forms.

What is a Debt Collection Answer?

An “Answer” is how you respond to the complaint. The answer is your chance to say why you think you don’t owe the debt, or that you don’t owe the amounts requested, or that you simply don’t have enough information. It is an official court paper, and you must be honest.

Why Use this Answer Form?

The answer is important because it tells your side of the story and allows you to raise any legal “defenses” you may have. Plaintiff must prove their case against you and you must prove your defenses. The issues raised in the complaint and in your answer are what the judge will use in court to guide them.

Filing an answer will prevent the plaintiff from being able to get a default judgment against you without you being able to tell your side of the story and raise any legal defenses.

How to Use, File, and Serve this Answer Form

This packet will help you know what information can go in an Answer. It will help explain the law but cannot give you advice on how to win. You can use this form or create your own.

You can attach additional pages to the answer if you need more room to answer any questions

Admissions and Denials

Plaintiff’s complaint has claims with numbered paragraphs. The numbers will be to the left of or directly above each paragraph. If there are paragraphs that you completely agree with, list them in the answer. If you admit them as true, you usually cannot take it back.

If you have anything to add or clarify about the paragraphs you listed, or if there are statements in other paragraphs that you partly agree with, explain in the space provided.

Defenses

Defenses are statements or information that, if true, can affect the outcome of this case. You do not need to mark a specific defense if none apply to your situation. You can explain any defenses you marked, add any other reasons you don’t owe the amount requested, or explain why you are not sure.

Counterclaims

A counterclaim is a claim you have against the plaintiff. You do not have to file any counterclaims. If you don't file a counterclaim, you may still be able to file one later or file your own case. For legal advice about counterclaims, talk to a lawyer.

After you fill out the answer form

- (1) Make two additional copies - one for your records, and one to mail to Plaintiff
- (2) File your completed forms at the circuit court listed at the top of the complaint with the required filing fee. You can ask the clerk for a fee waiver or deferral form if you believe you may qualify as low-income
- (3) Mail a copy to Plaintiff's lawyer, or if there is not a lawyer, mail the copy to Plaintiff by USPS mail, and
- (4) Fill out the Certificate of Mailing at the bottom of the Answer

If you have any questions about this form, or about your case, contact the court staff where the case was filed. Court staff cannot give you legal advice. If you want the name of a lawyer, contact the Oregon State Bar 1-800-452-7636 (www.osbar.org/public).

Visit OregonLawHelp.org to get information about consumer debt collection cases or a list of legal help providers.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

DEBT COLLECTION ANSWER

Plaintiff (*Person or Company suing you*)
v.

Filing Fee at ORS 21.160

Defendant (*Person being sued*)

➤ I need an interpreter: ☐ Spanish ☐ ASL ☐ Other: _____



Read Carefully!

If you do nothing about the complaint, you may lose this case automatically. You must get an answer to the court within 30 days from the day you got the complaint.

1. Reasons

I am filing this answer because: (*check the box that best describes your situation*)

- ☐ I do not think I owe the debt or the amounts claimed in the complaint.
☐ I do not know if I owe the debt or amounts claimed in the complaint, or I need more information.
☐ I think I may owe this debt, but I cannot afford to pay it or I want to have a payment plan.

2. Admissions and Denials

Paragraph #	Explanation of what you agree with
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Additional information I want the court to know about the paragraphs listed: _____

I deny anything else in the complaint that is not specifically listed above.

3. Defenses *(check all that apply)*

- ☐ I do not owe this debt and have never owed this debt to Plaintiff or anyone.
- ☐ I have already paid this debt in full to Plaintiff or to the original creditor.
- ☐ I am on a payment plan for this debt, and I am current on that payment plan.
- ☐ I may owe the debt to the original creditor, but I don't owe the debt to Plaintiff.
- ☐ I used to owe the Plaintiff money, but they said I didn't have to pay, so I didn't.
- ☐ Plaintiff waited too long to sue me.
- ☐ I owe some amount for the debt, but not the amounts Plaintiff is asking for.
- ☐ None of these apply.

Explain your answers above or provide additional information *(optional)*:

4. Counterclaims *(optional)*

I make the following counterclaims against Plaintiff: _____

Total amount of counterclaims: \$_____

5. Costs and Fees

- ☐ I ask that I be awarded my costs and fees.
- ☐ If I hire an attorney, I ask for attorney fees.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Defendant Signature

Email

Name (typed or printed)

Address

City, State, ZIP

Phone

Additional Defendant (spouse or Registered Domestic Partner only):

Date

Defendant Signature

Email

Name (typed or printed)

Address

City, State, ZIP

Phone

Certificate of Service

I certify that on (date): _____ I sent a true and complete copy of this

Answer by:

☐ United States mail to (plaintiff's address): _____

☐ email to (plaintiff's email address): _____

☐ another method (explain): _____

Date

Defendant (signature)

Defendant Name