

INSTRUCTIONS FOR FILING AND SERVING AN ANSWER TO A COMPLAINT (FORM MC 03)

If you received a complaint, you are required to appear and answer the complaint by the date on the summons. If you were personally served, you have 21 days after receiving the summons to file a written answer with the court. If you were served by mail or were served outside of this state, you have 28 days after receiving the summons to file a written answer with the court. If you do not appear and answer as required, the court may enter a default judgment against you. This means the judge may grant a judgment for the plaintiff without hearing from you.

1. How do I file an Answer?

You appear and answer by filing a written answer with the same court where the complaint was filed and serving the plaintiff with that answer. There is no filing fee for filing an answer.

2. Fill out the Answer form.

Fill out form MC 03 (Answer, Civil) on the website or get a paper copy from the court to fill out.

Write in the court number, case number, the court address, the court telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on your court papers.

For each of the court numbered statements on the complaint, check only one box in response to that statement. If the complaint is numbered beyond five, check the box "continued on page 2" and complete page 2. If necessary, complete page 3 and add more pages as needed.

If you have affirmative defenses, you must state them now using the last page of the form. If you do not, the court may prohibit you from raising them later. An affirmative defense is a defense claiming that the plaintiff is not entitled to a judgment because other facts exist that create a lawful defense. Affirmative defenses allow you to provide information to the court that is not stated in the plaintiff's complaint.

Write in the date you complete the form and sign your name.

3. Make four copies of the completed answer forms.

4. File the Answer with the court.

File the original of your answer with the court in person or by first-class mail.

5. Serve the Answer.

You must serve (provide) a copy of the answer on the plaintiff either by personal service or by first-class mail. If the plaintiff has an attorney, serve the answer on the attorney instead of the plaintiff.

After you serve the answer on the plaintiff, complete the certificate of service on the bottom of the remaining two copies of the form. File one copy with the court. You can do this either in person or by first-class mail. Keep the remaining copy of the answer form for yourself.

For more information visit Michigan Legal Help at www.michiganlegalhelp.org.

NOTE: You must bring all documents to the hearing to support what you checked on the answer form.