

ANSWER TO CIVIL COMPLAINT

It is very important to file a response to any Complaint you are served with. You need to get it filed within thirty (30) days from when you are served. Your Answer lets the Court know *your position*. There are consequences for not filing an Answer, as well as consequences for filing it late. Not filing an answer could result in a default judgment for the other side giving them everything they asked for.

Please read the Self-Help Guide from the New Mexico State Judiciary. It contains information on what you need to be aware of when you represent yourself. The first eight pages contain hints for how to act in court along with information on some of the things you can and cannot do. The Guide also contains links to websites where you can read the Statutes and Rules for yourself. The link is below.

<http://www.nmcourts.gov/Self-Help/self-help-guide.aspx>

The information contained here is NOT a substitute for legal advice. If you have questions about what you should do or what you should write in a document you need to consult an attorney. If you don't know how to get in touch with an attorney the New Mexico State Bar has a list of organizations and ways to get help. You can use the link below to get to the list.

http://www.nmbar.org/nmstatebar/Directory/Other_Legal_Service_Providers/Nmstatebar/For_Public/Other_Legal_Service_Providers.aspx

The steps for filing an Answer are:

- Prepare the Answer and make at least 2 copies
- File the Answer and get all copies endorsed by the court clerk
- Get an endorsed copy to the opposing party

Each step has several details that you need to be aware of so that you get it right. In the next few pages each step will be explained.

DISCLAIMER: This website is for informational purposes only. Every effort has been made to ensure that the information available here is correct and up to date. However, this website is not a substitute for legal advice, and nothing contained in the site should be construed as legal advice. If you require legal assistance you should CONSULT AN ATTORNEY. The 7th Judicial District Court of the State of New Mexico is not liable for any errors or omissions in the information provided. None of the links on this website to any Legal Assistance entities should be considered an endorsement or validation of any information the sites may contain.

Preparing the Answer

You have two choices here. You can use the *blank* Answer that was either given to you when you were served, or you can download a blank Answer from the Court’s website. In any event, your Answer has to be on an 8 ½” X 11” sheet of white paper, 1” side margins, 1 ½” top and bottom margins, double spaced, and a 2 ½” square in the top right of the front page must be left blank for the court clerk stamp. It must be clearly legible on single sided numbered pages, with a minimum of 12 point font. This is covered by Rule 1-100 NMRA.

<p style="text-align: center;">STEP 1</p> <p style="text-align: center;"><i>The Caption</i></p> <p style="text-align: center;">Rule 1-008.1 NMRA</p>	<p>Make sure you have the same caption as the Complaint. For all civil cases, such as a suit for property damage, eviction or back rent for example, it will have a CV case number. (<i>If you were served with a Petition for Divorce you need to go to the Domestic Relations Section in the Court’s website.</i>) It must have the names of the parties, the case number and the court heading. For example, in Torrance County it will look like:</p> <p style="text-align: center;">STATE OF NEW MEXICO COUNTY OF TORRANCE SEVENTH JUDICIAL DISTRICT</p> <p style="text-align: center;"><u>(Name of other party),</u> Plaintiff,</p> <p style="text-align: center;">v. D-722-CV-2015-00027</p> <p style="text-align: center;"><u>(Your name)</u>, Defendant.</p> <p>If there is something wrong here, such as your name is spelled wrong or you are the wrong person entirely you can explain that in the body of your Answer. Whatever the case, the heading needs to be exactly the same as on the Complaint you were served with.</p>
<p style="text-align: center;">STEP 2</p> <p style="text-align: center;"><i>The Title</i></p>	<p>The next item in your Answer is the Title. It can be as simple as “ANSWER” or you can get more specific “ANSWER TO COMPLAINT”. Do not get creative, use one or the other. See the form below for how it should look.</p>

<p>STEP 3</p> <p><i>The Body of the Answer</i></p> <p>Rule 1-008 NMRA</p>	<p>This is where you get to say your answer. Remember, this is a factual Answer to the Complaint. Keep it simple. Do not get emotional or angry. You need to answer each allegation in the Complaint. This is NOT the hearing, so your responses should be simple and to the point. If you have evidence to support your answer you can attach copies of it to your Answer or wait until the hearing to show you evidence to the Court. The Answer is NOT the place for argument. If you have witnesses that will back up your answer, great, bring them to the hearing. Do not put that John Doe knows that the Plaintiff is lying.</p> <p>What you put in your Answer is just like testimony so whatever you put must be truthful. If what is stated in a paragraph of the Complaint is true you must admit it. If what is stated in a paragraph is wrong then deny it. If some of it is true but some of it is wrong then admit what is true and deny what is wrong.</p> <p>If the Complaint states something that is not true and you don't specifically deny it then the Rules say that that is the same as admitting it. See paragraph D of Rule 1-008 NMRA.</p> <p>You don't have to get fancy with your answers. The Rule says that the answers need to be simple, concise and direct. Make sure that you respond to every allegation in the Complaint. See paragraph E of Rule 1-008 NMRA. Do not write on the back of any pages. If you don't have enough room get another sheet of paper and attach it to your Answer.</p> <p>Need legal Assistance? The New Mexico State Bar website contains a list of resources for legal assistance and can be found at:</p> <p>http://www.nmbar.org/nmstatebar/Directory/Other_Legal_Service_Providers/Nmstatebar/For_Public/Other_Legal_Service_Providers.aspx</p> <p>You can also go to the section of the Court website called "Places for Legal Help" for more.</p>
<p>STEP 4</p> <p><i>Affirmative Defenses and Joinder</i></p> <p>Rule 1-008 NMRA Rule 1-012 NMRA Rule 1-018 NMRA Rule 1-019 NMRA</p>	<p><i>FOR QUESTIONS REGARDING AFFIRMATIVE DEFENSES AND JOINDER: CONSULT AN ATTORNEY!</i></p> <p>There are cases where even if everything the Complaint says is correct the Plaintiff is still NOT entitled to recover from you. For example you might be renting an apartment and your son had a friend over to play video games. While they were sitting in the living room a small plane crashes into your house and injures your son's friend. You cannot deny that the injury or damage happened while they were in your apartment, but you may not be the correct person to be sued.</p> <p>You can list facts that support your claim in your Answer.</p>

<p>STEP 5</p> <p><i>Relief</i></p>	<p>The last part of your Answer before you sign it is where you ask the Court for what you want the Court to do. This is called requesting relief. Usually the relief you want is for the matter to be dismissed, but it can include other things as well. If the Court does not dismiss the case you can request that the case be set for a hearing. Relief is what you want the court to do if you win the case.</p>
<p>STEP 6</p> <p><i>Signing the Answer</i></p> <p>Rule 1-011 NMRA</p>	<p>Rule 1-011 NMRA says that every pleading that is filed with the Court has to be signed and the signer's address and phone number have to be listed as well. If it is not signed it "...shall be stricken unless..." it is signed as soon as the party that forgot to sign it is notified that they forgot. The Rule also says that by signing you are saying that everything in the pleading is true to the best of your knowledge "...under penalty of perjury." If you knowingly put something in that is false the Court can impose a sanction.</p>
<p>STEP 7</p> <p><i>File your Answer</i></p>	<p>Once you have completed your Answer you need to make 2 copies. Take 1 copy and send it to the Plaintiff or their attorney. Fill in the section under Verification of Service on the original with how and when you sent a copy to the Plaintiff. Next, take the original and your copy and file them with the Court. Take the original and the copy to the court clerk. The clerk will stamp both the original and the copy and then give you the copy back.</p>

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT

_____,
Plaintiff,

v. No. D-722-CV-_____

_____,
Defendant.

ANSWER TO COMPLAINT

Defendant, _____, appearing pro se, responds to the Complaint for
_____, and states:

1. I admit (agree with) the statements in the following paragraphs (*list the paragraph numbers below*) of the Complaint: _____

2. I deny (disagree with) the statements in the following paragraphs (*list the paragraph numbers below*) of the Complaint: _____

3. I am without sufficient information or knowledge as to the truth of the statements in the following paragraphs (*list the paragraph numbers below*) of the Complaint

and therefore deny (disagree with) the statements: _____

4. List any other facts that you think are important for the Court to know about the case: _____

WHEREFORE, Defendant respectfully requests that the Court:

- A. Dismiss the Complaint, or in the alternative;
- B. Set the matter for a hearing;
- C. _____, and;
- D. Any other equitable relief that the Court deems appropriate.

Submitted by:

Signature, Defendant Pro Se

Print name

Defendant's mailing address

City, State, Zip

Physical Address (*this must be provided unless address is sealed by court order*)

City, State, Zip

Telephone number

VERIFICATION

I affirm under penalty of perjury under the laws of the State of New Mexico that I have read the information contained in this pleading and that the contents are true and correct to the best of my knowledge. Signed this _____ day of _____, 20____

By: _____
Signature of Defendant, pro se

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that on _____ (date), I (*check the applicable item below and fill in all information*)

- mailed a copy of this pleading by United States mail, postage prepaid, to:
Name: _____
Mailing address: _____
City, state, and zip code: _____;
- delivered a copy of this pleading to _____ (*the other party or the other party's attorney*); or
- faxed a copy of this pleading to _____ (*the other party or the other party's attorney*) using the following fax number: _____. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m) (p.m) on _____ (date).

Signature of person who made service

Date of signature