

Purpose of form:

To file an answer and/or counterclaim against the plaintiff's statement of claim.

An answer and counterclaim must be FILED with the clerk of court within thirty (30) days of the date the defendant is served, unless the defendant signs a waiver of service pursuant to O.C.G.A. 9-11-4 which extends the period to sixty (60) days from the date the notice is sent. (See MAG 10-15 & MAG 10-16) The mailing of an answer and counterclaim is not sufficient unless it is filed with the clerk within the requisite time period. Please mail early to insure timely filing with the clerk of court.

An answer is the defendant's written response to the plaintiff's statement of claim. It should list all the defenses of the defendant and either admit or deny the claims of the plaintiff.

A counterclaim is the claim of the defendant against the plaintiff. Some counterclaims are mandatory, while other counterclaims are permissive. A mandatory counterclaim is a claim of the defendant that arose out of the same transaction that the plaintiff is suing upon. Mandatory counterclaims must be immediately filed in response to the claims of the plaintiff or the defendant's counterclaim may be forever barred. A permissive counterclaim is not related to the plaintiff's claim and does not necessarily have to be filed in response to the plaintiff's statement of claim.

The defendant should fill out the address location where defendant wants future court notices to be sent. Also, it is critical that the defendant list a "day-time" phone number. Oftentimes calendar conflicts arise at the last moment, and the court cannot notify the defendant of any rescheduling unless the court has a day-time telephone number to immediately reach the defendant.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

**ANSWER/COUNTERCLAIM OF
DEFENDANT(S)**

Defendant(s) Name, Address, Telephone Number

Garnishee Name, Address

Defendant(s) request(s) trial at: [] during normal business hours; [] 6:30 P.M. All conflicts between parties are set for 6:30 P.M. Attorney conflicts during day-time calendars are automatically reset to the 6:30 P.M. calendar on the same date.

ANSWER / COUNTERCLAIM OF DEFENDANT(S)

- [] 1. I admit the claims of the Plaintiff.
- [] 2. I request a payment schedule.
- [] 3. I deny the claim of Plaintiff(s) as follows: (Attach additional sheets as needed.)

- [] 4. I counterclaim against the Plaintiff(s) as follows: (You must include a brief statement giving reasonable notice of the basis for each claim contained in the counterclaim. Attach additional sheets as needed.)

_____ being first duly sworn on oath says the facts set forth in the foregoing Answer (and/or Counterclaim) are true and correct.

Sworn to and subscribed before me this _____ day of

_____, 20 _____.

[] Defendant [] Defendant's Agent

Deputy Clerk / Notary Public