



Directions for Responding to a Debt Collection Lawsuit

You must complete and file the forms right away. You only have **28 days** from the day you received the Complaint to file a response. If you do not file an Answer or ask for more time to Answer within that 28-day deadline, you will probably lose the case automatically and you will not have a chance to defend. The plaintiff will have a judgment and you will be at risk for having your wages garnished and bank account attached. There will not be a hearing date in your case until after you file a response to the Complaint – do not wait for the court to do something in your case.

With these instructions, you will be receiving one or more forms: an “Answer” and/or a “Motion for Extension of Time.” The Answer is your response to the allegations in the Complaint. There is more information about filling this out in Section 2 below. However, if you need more time to seek legal counsel or figure out how you want to answer, it is best to file a motion for an extension of time to file an answer. Courts usually allow someone an extension of 28 days to seek legal counsel. After you request the extension, you should receive notice in the mail of the court’s decision and your new deadline.

You can always check the status of your case on the court website. Most of our local court websites allow you to search using your name to bring up the current case:

- Franklin County Municipal Court: <http://www.fcmcclerk.com/case/search>
- Franklin County Court of Common Pleas: <https://fcdcfcs.co.franklin.oh.us/CaseInformationOnline/>
- Madison County Municipal Court: https://www.co.madison.oh.us/departments/court_system/municipal_court/record_search.php
- Madison County Court of Common Pleas: https://www.co.madison.oh.us/departments/court_system/clerk_of_courts/records_search.php

How to fill out the motion for extension of time and/or answer

1. Caption:

Both the answer and the motion for extension of time to file an answer will have the same heading.

- The **top part of a court filing is called the “caption.”** You need to fill in the name of the Court, the case number, and information about you and the other party. **You can copy this information from the caption on the Court papers that you got from the other side.**
 - The party who sued you is the “Plaintiff.”
 - You are the “Defendant” acting “pro se” – which means that you do not have an attorney yet and you are acting for yourself.
 - In the Motion, you tell the Court that you are looking for an attorney to help you in this case.
 - In the answer, you are answering statements in the Plaintiff’s complaint.

2. Body:



- **Motion for Extension of Time** – Fill in your name on the first line after Defendant and sign your name after “respectfully submitted.” Be sure to include your address and telephone number in the lines below your name.
- **Answer** – In order to complete the answer, it is necessary to have a copy of the Plaintiff’s complaint in front of you. Specifically, look at the numbered paragraphs containing statements. The statements will say things like “Defendant defaulted on her loan and owes X amount of money.” Determine which statements you agree to and which statements you disagree with. It is also possible to conclude there is not enough information or you can agree to part of paragraph 2, but disagree with the rest of it. If you agree to all of the statements in the Complaint, the Court will rule against you because there is no dispute. Ask yourself, do I owe this debt? Do I know I owe exactly the amount they are claiming? Determine which paragraphs you agree to and which paragraphs you disagree with and list them in the body of the sample answer.

3. Certificate of Service:

The Certificate of Service is necessary to include with **both** the answer and the motion for an extension of time. To complete this part of the form, here’s what you need to do:

- Fill in the day, the month and the year.
- Fill in the name and address of the plaintiff’s attorney. You should be able to find the name and address of the plaintiff’s attorney right on the summons. You can also find the attorney’s name and address at the end of the Complaint that was sent to you. You can also usually find the name and address on the court websites listed above.
- Sign the Certificate of Service.

4. The Journal Entry:

The Journal Entry is **only necessary to file with the motion for an extension of time.** It is the last part of the sample motion. It is right after the Certificate of Service. The Journal Entry is the Order that the Court will sign after ruling on your request. You do not need to fill this out. The Judge will do this. Tell the Clerk of Courts that you have an Entry attached for the Judge to sign.

Now that you have filled out the form, you will need to make copies, send a copy to the plaintiff’s lawyer, and file the original with the Court. Here’s how to do that:

5. File the entire court form:

You should mail the original and one copy of your filing to the Clerk of Court (their addresses are below). Most courts are not allowing in-person filing at the moment. If you are close to your deadline, you might want to call the Clerk to see if you can fax your filing. Here is the information for the Clerks in our area:

- **Franklin County Municipal Court:** 375 South High St., 3rd Floor, Columbus, OH 43215. Phone: 614-645-7220. Fax: 614-645-6919.



- **Franklin County Court of Common Pleas:** 345 South High St., 1st Floor, Columbus, OH 43215. Phone: 614-525-3621. (Note – this Court generally requires e-filing. For an e-filing account, go to <https://efiling.franklincountyohio.gov/>)
- **Madison County:** Both the Municipal and Common Pleas courts are located at 1 North Main St. London, OH 43140. Phone: 740-852-1669.
- **Delaware County Municipal Court:** Justice Center, 70 North Union Street, Delaware, OH 43015, Phone: (740)203-1500
- **Delaware County Court of Common Pleas:** 117 North Union Street, Level 500, Delaware, OH 43015
- **Marion County:** 2nd Floor of 233 West Center St. Marion, OH 43320.
 - **Municipal Court:** 740- 387-2005
 - **Common Pleas:** 740-223-4270
- **Union County:**
 - Union County Common Pleas Court
215 W. 5th Ave.
Marysville, OH 43040
937-645-3015
 - Marysville Municipal Court
1250 W. 5th St.
Marysville, OH 43040
937-644-9102

To file the Form with the Court follow these steps:

- After you have mailed the photocopy of the Motion Form to the other side's attorney, you should go to the Courthouse. You must file the original Motion Form with the Court Clerk. You must file the motion with the Court Clerk within three days of mailing it to the other side.
 - Give the original Motion Form and the remaining photocopy to the Clerk. Ask the Clerk to file-stamp the original and the photocopy.
 - The Clerk will keep the original and place it in the Judge's file so the Judge can read it.
 - The clerk will return the extra time-stamped photocopy to you. You should keep your copy in a safe place. It proves you filed the motion in the right court and on the date that is shown on the file stamp.
- 6. Send a copy to the plaintiff's lawyer:**
- Make two photocopies of the entire form (heading, body, and certificate of service). Keep the original and one photocopy and you will mail the second photocopy to the plaintiff's attorney.



- Mail one photocopy of the form to the attorney who filed the complaint. You may wish to ask the post office for a Certificate of Mailing. A Certificate of Mailing proves you mailed the Motion on the date you mailed it, to the person to whom it was addressed. You will have to pay a fee for a Certificate of Mailing. You do not have to request a Certificate of Mailing. You do not have to mail the Motion by certified mail.

KEEP IN MIND: If for any reason you change your address at any time during this case, you must tell the Court and the other side (the Plaintiff or the Plaintiff's attorney). The Court and the other side will use the address on file to send decisions and other notices to you.

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