

Answering a Civil Complaint

Form included in this packet:

1. Answer – Civil (SH 225)



ANSWERING A CIVIL COMPLAINT

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

After you have been served with the Complaint, you have 21 days (28 days if served by mail or out of state) in which to file a written Answer (response) to the Complaint with the Family Division on the 4th floor of the Berrien County Courthouse, 811 Port Street, St. Joseph, Michigan 49085 or at the South County Building, 1205 North Front Street, Niles, Michigan 49120 at the Berrien County Clerk's Office. File the Original plus two copies with the Court. The clerk will return the extra copies to you. You are responsible to serve the one copy on the Plaintiff and you may keep one for yourself. If an attorney is involved, you will need a copy for the Attorney.

If this time period has passed and you have not filed an Answer, the Plaintiff may obtain a Default against you. The Default will prevent you from entering into the case and letting the Judge know your viewpoint. (In some circumstances you may be able to have a Default set aside by the Court; however, it is not routinely allowed as certain legal requirements must be met.)

The Plaintiff must wait for the 21 (or 28) day time period to pass before they can ask for a Default. This is the earliest that they can ask for it. You are still allowed to file an Answer after the 21 (or 28) days have passed so long as a Default has not been obtained. It is suggested that you file your Answer as soon as possible.

After the Answer has been filed, the Court will prepare and mail to each of you a Case Management and Scheduling Order listing court dates for you and the Plaintiff to attend. The court dates that are typically set are for a Pre-Trial Conference, Settlement Conference and Trial. Attending these court dates is mandatory. If you miss a court date, a default may be entered against you and you would lose your chance to let the Court know your position. And the same applies to the Plaintiff in that if he/she misses a court date, a default or dismissal may be entered against him/her.

If you and the Plaintiff have a disagreement concerning the issues, the Court will consider the case to be "contested". You may need to seek the advice of an attorney on how to resolve any differences.

Court Address Court telephone no.
 Berrien County Courthouse, 811 Port Street, St. Joseph, MI 49085-1188 (269) 982-8683
 South County Building, 1205 North Front Street, Niles, MI 49120-1699..... (269) 684-5274

Plaintiff's name(s), address(es), and telephone no(s)
Plaintiff's attorney, bar no., address, and telephone no.

v.

Defendant's name(s), address(es), and telephone no(s)
Defendant's attorney, bar no., address, and telephone no.

- Defendant(s)
 Attorney for defendant(s) , in answer to the complaint, state(s):

(Number paragraphs in the answer to correspond to paragraphs in the complaint. Attach additional sheets if necessary)

_____ Date

_____ Defendant's attorney signature

_____ Defendant's signature

CERTIFICATE OF SERVICE

I certify on this date I served a copy of this answer on the plaintiffs or their attorneys by
 Personal service. First-class mail addressed to their last-known address(es) as defined in MCR 2.107(C)(3).

_____ Date

_____ Signature