

SAMPLE CIVIL FORM 27.

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

ANSWER PRESENTING DEFENSES UNDER RULE 12(b)

First Defense
[Improper Venue]

The action is brought in the wrong county because (a) the defendant is a foreign corporation and (b) is not doing business by agent in the county where this suit is brought.

Second Defense
[Admission and Denial]

Defendant admits the allegations contained in paragraphs 1 and 4 of the complaint; alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the complaint; and denies each and every other allegation contained in the complaint.

Third Defense
[Statute of Limitations]

The right of action set forth in the complaint did not accrue within _____ years next before the commencement of this action.

Counterclaim

[Here set forth any claim as a counterclaim in the manner in which a claim is pleaded in a complaint].

Cross-Claim against Defendant M.N.

[Here set forth the claim constituting a cross-claim against defendant M.N. in the manner in which a claim is pleaded in a complaint].

[Signed]: _____
Attorney for Defendant

Address:

Committee Comments

The above form contains examples of defenses, all of which may be included in the answer as provided in rule 12.

The first defense embodies the old plea in abatement.

The second defense is an answer on the merits.

The third defense is one of the affirmative defenses provided for in Rule 8(c).

The answer also includes a counterclaim and cross-claim.