

HOW TO FILE AN ANSWER TO A FORECLOSURE COMPLAINT:

STOP! READ THIS BEFORE YOU PROCEED:

A Complaint in Foreclosure has been filed against you. This means that the bank, or mortgage company that services your loan, is asking the Court for permission to take your home, to auction it, and to distribute the proceeds of the sale. It is advisable that you contact an attorney about this case, particularly if you believe that you have a claim against the Plaintiff (or other person/company) because of your mortgage loan.

****Do not ask employees of the Court or Clerk's Office for legal advice – they cannot, and will not, advise you.**

YOU MUST FILE AN ANSWER WITHIN 28 DAYS OF THE DAY THAT YOU RECEIVED THIS COMPLAINT. IF YOU DO NOT FILE AN ANSWER, THE PLAINTIFF WILL WIN AND GET A FORECLOSURE.

A blank Answer form is attached. At the top of the Answer, you should fill-in the blanks to match the top of the Plaintiff's Complaint. Below that, you should check the appropriate box(es) and provide the information necessary to explain why the Plaintiff should not be able to foreclose on your home.

After you have completed your Answer, you must file the original with the Clerk of Court, mail one copy to the Plaintiff's attorney, and one copy to each of the other Defendants (or their attorneys, if known).

You may also want to ask the Court to hold mediation, where you and your bank will try to resolve this case with the help of a Court employee. A blank Motion for Mediation is enclosed. You will complete this document, file it, and mail copies, similar to your Answer.

Once your Answer is filed, the Court may schedule this matter for a pre-trial, mediation, and/or Hearing/Trial. You must go to all court dates. If you miss a court date, you may lose your case.

If you have low or moderate income, Southeastern Ohio Legal Services may be able to assist you. To apply for services, call 740-454-1223 or 1-800-686-3671. You may also find an attorney through the Muskingum County Bar Association or Ohio State Bar Association.

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