

Name: \_\_\_\_\_  
Email:\* \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

\*  I agree to get documents by email instead of mail, check my email regularly, and tell the court and other participants of email changes.

*[Fill in the court location, name, and case number the way they were listed on the Complaint.]*

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

\_\_\_\_\_ (Plaintiff)

\_\_\_\_\_ (Defendant) CASE NO: \_\_\_\_\_

**ANSWER & COUNTERCLAIM  
TO COMPLAINT TO COLLECT A DEBT**

I, \_\_\_\_\_, respond to Plaintiff's *Complaint*, and state the following:  
*(your name)*

I was sued in Small Claims Court and I want to move the case to District Court. This is my written request to use the formal rules. *[Only check this if you were sued in Small Claims Court and want to move to District Court and use formal rules. Read about the differences between courts at <http://courts.alaska.gov/shc/debt/start-case.htm#consider>.]*

I request the court change the place of trial to \_\_\_\_\_, Alaska because:

*[Only check this if you want to change the place of trial. The court will only consider your request if you also file a written motion with the title "Motion to Change Venue." Read about filing motions at <http://courts.alaska.gov/shc/debt/motions.htm>.]*

**A. ANSWER**

I agree with all of the statements in the *Complaint*.

I agree with all of the statements in the following paragraph number(s) of the *Complaint*:

\_\_\_\_\_  
 I am not sure if I agree or disagree with the statements in the following paragraph number(s) of the *Complaint*: \_\_\_\_\_

I disagree with all or part of the statements in the following paragraph number(s) of the *Complaint*. *[If you disagree with only part of a statement in a paragraph, explain which part you disagree with.]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

More pages are attached.

## B. DEFENSES

*[Defenses are reasons you should win the case instead of the Plaintiff. Mark all defenses that you think apply to your case. If you can prove the defense at trial, you may be able to prove you do not owe the Plaintiff anything or that you owe less than asked for in the Complaint. Read about defenses at <http://www.courts.alaska.gov/shc/debt/answer.htm#defenses>]*

- I have no defenses. *[Go to Section C.]*
- I have the defense(s) listed below: *[Check below all defenses that you believe apply, and attach copies of any documents you have that support your defenses.]*
1.  I did not enter an agreement or contract for the debt described in the *Complaint* because:
- The Plaintiff made a mistake about the name of the person who made the contract. (This might happen if you have a common name and you think the Plaintiff has confused you with someone who has the same name.)
  - Someone stole my identification and made this debt.
  - Other: \_\_\_\_\_
2.  I disagree with the amount the Plaintiff says that I owe because:
- I owed the debt, but the creditor (person who is owed money) told me I did not owe anything else under our agreement.
  - I owed the debt, but the creditor (person who is owed money) and I worked out a new agreement to settle the debt and I followed it.
  - I owed the debt, but paid all of it.
  - I owed the debt, but paid part of it. I paid \$\_\_\_\_\_ and owe \$\_\_\_\_\_.
  - I have a contract or agreement with the Plaintiff, but the Plaintiff's math is wrong about how much I owe. I owe \$\_\_\_\_\_.
  - I have a contract or agreement with the Plaintiff, but someone else made the charge/debt without my permission. (This might happen if someone else made charges on your credit card.)
  - Other: \_\_\_\_\_
3.  I did not enter any agreement or contract with the Plaintiff, and I do not believe the Plaintiff can show they own the debt. (This might happen if you had a contract or agreement with someone else, like a credit card company, and the Plaintiff says they bought your debt, but you are not sure they have evidence to prove they bought it.)
4.  This debt is too old. More than 3 years have passed since I made a payment or was supposed to make the first payment. This is too long under Alaska's statute of limitations law for contracts. (If you are being sued for a debt that is not based on a contract between you and the other person, there may be a different time limit.) (Alaska Statute 09.10.053)
5.  I or someone else was already sued for this debt.  
Date case filed: \_\_\_\_\_. Case number: \_\_\_\_\_.
6.  I have a bankruptcy case and this debt
- was discharged already.
  - is being discharged.
- Date case filed: \_\_\_\_\_. Bankruptcy case number: \_\_\_\_\_.

7.  I used collateral to get this loan, and the Plaintiff took my collateral but did not follow the rules for selling it because:  
 I was not given appropriate notice about the sale of the collateral.  
 The Plaintiff did not sell my collateral in a fair way.  
(Alaska Statute 45.29.601-.628)

8.  The debt is for a payday loan and the Plaintiff did not:  
 Offer me a payment plan to repay this debt with only a \$30 fee.  
 Send me a certified letter telling me they were going to start this case and that I had at least 15 days to respond before they would start the case.  
(Alaska Statute 06.50.550)

9.  I do not owe the Plaintiff any money because the Plaintiff was supposed to do something before I had to pay and it did not happen. (This might happen if Plaintiff was supposed to do a service for you before being paid, like fix something in your house, but did not do it.) The Plaintiff was supposed to do the following:

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More pages are attached.

10.  The Plaintiff says I bounced a check. The Plaintiff cannot sue me because they did not write me at least 15 days before starting this case to tell me I could avoid court by paying back what I owed on the check plus \$30. (Alaska Statute 09.68.115)

11.  I am a member of the military on active duty or have been released from active duty within the last 90 days. I am requesting a 90 day stop (stay) to the case. I have attached the necessary written information.  
*[Attach letters from you and your commanding officer explaining why your service makes you unable to go to court and when you will be able to go to court. You may request another stay in 90 days if you are still unavailable.]*

12.  Other: *[State any other reasons the court should not order you to pay the Plaintiff.]*

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More pages are attached.

**C. COUNTERCLAIM**

*[A counterclaim is a legal claim you have against the Plaintiff (a reason you could sue them in a court case). If you have a claim against the Plaintiff from the same facts that the Plaintiff is talking about in the Complaint and you do not list it here, you might lose your right to sue the Plaintiff for it later. List any counterclaims you have against the Plaintiff. Read about counterclaims at <http://courts.alaska.gov/shc/debt/answer.htm#counterclaim>]*

I have no counterclaim. *[Go to Section D.]*

I have the counterclaim(s) listed below:

*[Check below all counterclaims that you believe apply, and attach copies of any documents you have that support your counterclaims.]*

1.  **Breach of Contract:** The Plaintiff and I had an agreement or contract and the Plaintiff owes me something under the agreement. *[Explain the agreement, how the Plaintiff broke it, and what the Plaintiff owes you.]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

More pages are attached.

2.  **Consumer Protection Violation:** I request that the court order the Plaintiff to pay me because the Plaintiff violated the *Alaska Unfair Trade Practices and Consumer Protection Act* (Alaska Statute 45.50.471-.561) or the *Federal Fair Debt Collection Practices Act* (15 U.S.C. §§ 1692-1692p) and caused me damages. *[Check at least one box under both "a." and "b." below.]*

**a. Violation:** *[Check the box that describes what the Plaintiff did that caused you harm. Some claims only apply if the Plaintiff is a debt collector, who regularly collects debts for other people or companies.]*

The Plaintiff is a debt collector who contacted me about a debt and then did not send the following information in writing within 5 days:

Amount I owed.

Who I owed.

That I had 30 days to disagree in writing, and if **I did not**, the Plaintiff would believe I owed the debt and proceed with the case against me.

That I had 30 days to disagree in writing, and if **I did**, the Plaintiff would send written proof that I owed the money.

That I had 30 days to respond in writing and ask for the name and address of the person or company that I owed the debt to in the first place.

- The Plaintiff is a debt collector who harassed or threatened me in the following way: *[Describe what the Plaintiff did. Read examples at [http://www.courts.alaska.gov/shc/debt/answer.htm#violate.](http://www.courts.alaska.gov/shc/debt/answer.htm#violate)]*

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- More pages are attached.
- The Plaintiff says they bought my debt, but I do not think they have admissible evidence to prove they bought it. Filing a debt collection lawsuit without admissible evidence is an unfair or deceptive practice.
- The Plaintiff says I bounced a check. The Plaintiff cannot sue me because they did not write me at least 15 days before starting this case to tell me I could avoid court by paying back what I owed on the check plus \$30.
- The debt is for a payday loan and the Plaintiff did not:
- Offer me a payment plan to repay this debt with only a \$30 fee.
  - Send me a certified letter telling me they were going to start this case and that I had at least 15 days to respond before suing.

**b. Damages (Alaska Statute 45.50.531)**

I had the following costs:

- I paid a lawyer for advice.
- I had costs in this case to prepare, print and mail documents, like this *Answer.*
- I missed work for court or some other reason related to what the Plaintiff did.
- I lost property: \_\_\_\_\_
- Other: \_\_\_\_\_

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- More pages are attached.

Therefore, the Court should:

- Order the Plaintiff to pay me \$500.
- Order the Plaintiff to pay me 3 times the money the Plaintiff cost me. It cost me: \$ \_\_\_\_\_. Three times that amount is: \$ \_\_\_\_\_.
- Other: \_\_\_\_\_

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- More pages are attached.

**D. OFFER TO PAY**

*[If you want to make the plaintiff an offer to settle the case without having a trial, there are options below. The plaintiff does not have to agree to take your offer, and the court CANNOT make the plaintiff agree to a payment plan. If you make an offer that the plaintiff does not accept, the plaintiff cannot use that offer against you later in the court case to prove you admitted owing the debt. However, if you admit you owe the debt in any section of this Answer, the plaintiff may use it to prove you owe the debt and win the case. **You need to fill out the other sections of this Answer** even if you make an offer to pay. Read about settling a case at <http://courts.alaska.gov/shc/debt/settlement.htm>]*

- I do not want to propose a plan to settle this debt at this time. *[Go to Section E.]*
- I have attached a draft agreement, which I signed, and agree that the court should close the case if the Plaintiff signs it and returns it to me and the court. Any offer I make to the Plaintiff to try to settle the case cannot be admitted in court to prove liability according to Evidence Rule 408. *[Draft your own agreement or use Debt Settlement Agreement & Order Dismissing Case, CIV-484 at <http://public.courts.alaska.gov/web/forms/docs/civ-485.pdf>]*
- I would like to try to work with the Plaintiff to end this case with the following plan to pay, but if we do not reach agreement, I do not give up my right to state defenses and counterclaims or have a trial. Any offer I make to the plaintiff to try to settle the case cannot be admitted in court to prove liability according to Evidence Rule 408. *[Check all the boxes below that apply to your offer.]*

I will pay the debt using a payment plan where I will pay \$\_\_\_\_\_ each month until paid in full. I will start payments on \_\_\_\_\_. I will make payments each month by the following day of the month: \_\_\_\_\_.

I would like the total debt amount reduced to \$ \_\_\_\_\_ because:  
\_\_\_\_\_  
\_\_\_\_\_

I agree to pay any money I receive from my PFD to the Plaintiff until I have paid in full.

I agree that the court can make our agreement a formal part of the case, and if I do not follow the payment plan, the Plaintiff can return to court to get a judgment to collect the money we agree I owe.

Other:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I cannot make a payment plan right now because of my limited income, and I want to give notice to the Plaintiff that the income and/or assets listed here cannot be collected because they are exempt from execution. *[Do not check this box unless you have reviewed the Judgment Debtor Booklet at <http://public.courts.alaska.gov/web/forms/docs/civ-511.pdf> to learn about exempt income and assets if the Plaintiff gets a judgment against you. Explain your situation on the lines below.]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

More pages are attached.

**E. REQUEST FOR RELIEF**

*[Check all that apply, and write in any other things you want the court to do. If you want a jury trial, you must file a separate written request for a jury trial with this Answer, or within 10 days of filing this Answer.]*

**I request that the court:**

- Dismiss this case because of the defense(s) stated in Section B.
- Grant the requests that I made about my counterclaim(s) in Section C.
- Sign an order allowing the payment plan I requested in Section D.
- Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

**Certificate of Service**

I certify that I served all the parties in this case by sending them a copy of this *Answer* and the following attached documents:

\_\_\_\_\_

\_\_\_\_\_

I sent the documents on: \_\_\_\_\_

I sent the documents to:

- Plaintiff's Lawyer (if represented) or Plaintiff
- Other \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

The way I sent the documents was:

- mail
- hand delivery
- e-mail. I certify I believe the email was sent successfully. *[Only use email if the Plaintiff wrote on the Complaint or other court document they would accept service by email.]*

The email address that I sent the email **from**: \_\_\_\_\_

Email address I sent it **to**: \_\_\_\_\_

Date and time: \_\_\_\_\_  a.m.  p.m.

Number of pages I emailed: \_\_\_\_\_

Your signature: \_\_\_\_\_

**Need help?** See Alaska Court System's Self-Help Services Debt Collection FAQs at: <http://courts.alaska.gov/shc/debt/answer.htm>