

FILLING OUT THE ANSWER

Below is the form Answer provided in this guidebook.

STEP 1: FILL OUT THE "CAPTION" OF THE ANSWER - As shown in the sample Answer below, fill in the top part of the Notice of Appearance form (known as the "Caption") by copying the necessary information from the Summons or Complaint.

STEP 2: CHECK "GENERAL DENIAL" BOX.

STEP 3: CHECK OFF AND EXPLAIN YOUR DEFENSES - Think carefully about whether any of the following legal defenses may apply to your situation. If you fail to include some legal defenses in your Answer, you may lose the right to raise them later. However, you should not check off a defense unless you truly believe it applies to your situation. If you check off defenses that do not apply to you, you will likely increase the Bank's legal fees, which may prohibit you from ultimately resolving your delinquency with the Bank.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Monroe

NATIONAL TRUST COMPANY,
AS TRUSTEE et al. Plaintiff

- against -

INDEX NO: 2011-00043
VERIFIED ANSWER TO
FORECLOSURE COMPLAINT

Darby Ross, et al. Defendant

Defendant Darby Ross answers as follows:

☒ General Denial.

I plead the following Defenses and Affirmative Defenses:

☐ Lack of Standing to Sue:

☐ Plaintiff does not have standing to sue because it was not the legal owner of the Note and/or Mortgage at the time it commenced this foreclosure lawsuit.

☐ I have no knowledge that the plaintiff was assigned my debt or there was no Affirmative Allegation of Standing (NY Real Property Actions and Proceedings Law § 1302, high-cost and subprime home loans): Plaintiff failed to allege in the Foreclosure Complaint that it is the legal owner and holder of the Note and/or Mortgage or has the authority to foreclose.

☐ Improper Service of the Summons and Complaint (NY Civil Practice Law and Rules Section 308) because I was not served in any of the following three methods:

1. A copy of the Summons and Complaint were not handed to me in person, OR
2. A copy of the Summons and Complaint were not left at my home or business with a "person of suitable age and discretion" with another copy mailed within 20 days to your home or business, OR
3. A copy of the Summons and Complaint were not attached to my home or business door, with another copy mailed within 20 days to my home or business.

☐ I did not receive the notice of default required by my mortgage agreement, and the mailing of this notice is a condition precedent to the foreclosure.