

Download File PDF How To Answer Foreclosure Summons Book

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SUPREME COURT
COUNTY OF _____, STATE OF NEW YORK

Plaintiff(s) _____ Index No. _____

Defendant(s) _____

VERIFIED ANSWER TO FORECLOSURE COMPLAINT

Defendant, _____, answers the Complaint as follows:

General Denial: I deny the allegations in the Complaint.

I plead the following Defenses and Affirmative Defenses:

SERVICE (NY Civil Practice Law and Rules Section 308)

I did not receive a copy of the Summons and Complaint.

I received the Summons and Complaint, but service was not correct as required by law. (See full explanation of proper service in HOW TO FILE AN ANSWER document)

DEFENSES

I am entitled to a loan modification under HAMP because my loan is insured by FANNIE MAE or FREddie MAC, or my lender has agreed to participate in the HAMP program, but I have not been reviewed for one. (HAMP Supplemental Directive 10-2)

I am in the final phase of a HAMP modification which protects me against foreclosure until the completion of the trial period. (HAMP Supplemental Directive 10-2)

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. (See full explanation of legal principle of standing in HOW TO FILE AN ANSWER document)

I have no knowledge that Plaintiff was assigned my debt or there was an Affirmative Allegation of Standing in the Complaint. 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. (NY Real Property Actions and Proceedings Law Section 1302)

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