

Where You Should Go For Help with Filing an Answer

When you are served with legal papers you should contact a lawyer or someone you trust. If possible try to talk to a lawyer. Only a lawyer can represent you in court or file an answer on your behalf. However, you may represent yourself when a lawsuit is filed against you.

In most cases, when doing a written answer, you will either admit or deny the statements contained in the complaint. You should only admit what you know to be true. If you don't have enough information to admit or deny a statement, you should state this. You may also state any claims you feel you may have against the person who has brought the lawsuit against you. You will need to file a copy of the answer at the courthouse where the lawsuit is filed, and send a copy of the filed answer to the person who brought the lawsuit against you. Always be sure to keep a copy of the answer for your records. For sample answers, you may visit our website at www.sclegal.org.



Additional information may be found at:

LawHelp.org/SC
South Carolina's guide to free legal resources

Other Legal Representation

Consumer & Bankruptcy

Education

Employment

Family

Federal Income Tax

Housing

Migrant Farm Workers

Probate

Public Benefits

This brochure was prepared by South Carolina Legal Services and is provided as a public service.

Copyright retained by
South Carolina Legal Services

Printed January 2010



South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice

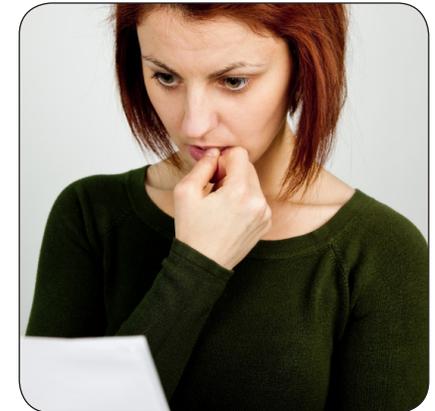


**South Carolina
Legal Services**

Balancing the Scales of Justice

You've Been Served!

**A guideline of What To Do when
you've been served with legal papers**



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592
contactus@sclegal.org
www.sclegal.org / www.lawhelp.org/sc
www.probono.net/sc

What It Means To “Be Served”

When someone files a lawsuit against you, they must also give you a copy of the papers that are filed against you. Usually this is done by the Sheriff bringing the papers to you at your home or by you receiving the papers in a certified letter. This process is known as service. Before legal action can be taken against you, the person bringing the lawsuit must show that they have “served” you with the legal papers filed against you.

The Legal Papers

The legal papers that are filed against you will tell you what you are being sued for and the time you have to file a written answer to the papers. These papers are called pleadings. They will usually include a Summons and Complaint. The Summons tells you how much time you have to file an answer and where to send your answer. The Complaint tells you who is suing you and what you are being sued for. Even if legal papers do not include a Summons and Complaint, the papers will still tell you what you are being sued for and the amount of time you have to answer.



Do Not Ignore the Papers!

If you are served with legal papers, it is important that you file an answer within the time that is stated in the papers. If you do not file an answer within that time frame, you will be in default. If that happens, the Court may assume that what the person bringing the lawsuit has stated in the pleadings is true and the court may enter a judgement against you. For this reason, you should always file an answer to any legal papers you are served with.

How Much Time Do You Have To File An Answer?

The papers you have been served with should tell you how much time to answer. The time to answer begins to run the day after you are served. When counting days, include Saturdays, Sundays, and Holidays. If the final day falls on a Saturday, Sunday, or a Holiday, the next weekday is the final day that you have to file an answer. For example, if you are served on Monday, February 2 and the legal papers state that you have 10 days to answer, your final day to answer would be Thursday, February 12. If the 12th fell on Saturday or Sunday, the following Monday would be your final day to answer. If the 12th day was a Holiday, the following weekday would be your final day to file an answer.

The following list gives you standard time frames to answer when you are served with certain legal pleadings. However, you should always look at the legal papers you have been served with to know exactly how much time you have.

• Legal Papers for Divorce

You have 30 days to file an answer.

• Legal Papers for Debt Collection

You have 30 days to file an answer.

• Legal Papers for Repossession of a Mobile Home

You have 30 days to file an answer.

• Legal Papers for Claim and Delivery of Personal Property Given as Collateral for a Loan

You have 5 days to file an answer.

• Legal Papers for Eviction

You have 10 days to file an answer.

• Legal Papers for Termination of Social Security Benefits

You have 60 days to file an answer, but if you lose you have only 10 days to appeal and request that your benefits continue.



It is very important that you do not ignore your deadlines