

[CAPTION – Copy exactly from the Petition for what court, who the parties are, case number]

ANSWER

The defendant answers the petition as follows:

1. Defendant admits the allegations stated in the petition in paragraphs _____
- .
2. Defendant denies the allegations stated in the petition in paragraphs _____
- .
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations stated in the petition in paragraphs _____ and therefore denies those allegations.
4. All other allegations not expressly admitted are denied.

[AFFIRMATIVE DEFENSES] – may not be any

5. Further, defendant alleges plaintiff's claim for relief should be denied by reason of the following affirmative defense(s): (accord and satisfaction) (arbitration and award) (assumption of risk) (contributory negligence) (discharge in bankruptcy) (duress) (estoppel) (failure of consideration) (fraud) (illegality) (injury by fellow servant) (laches) (license) (payment) (release) (res judicata) (statute of frauds) (statute of limitations) (waiver) (and any other matter constituting an avoidance or affirmative defense).]

WHEREFORE, defendant prays that plaintiff be denied relief and that defendant have judgment for costs and other relief as the Court deems just and proper.

(Signature of Defendant)

(Name)

Address

Telephone

CERTIFICATE OF MAILING

I do hereby certify that on the ____ day of _____, 200__, I mailed a full, true and correct copy of the above and foregoing Answer, by placing same in the United States mail, postage prepaid and properly addressed to: *Insert name and address of Plaintiff's attorney.*

(Signature of Defendant)

(Name)

Notes on Use – these are for explanation, not use in the document.

This form is intended to illustrate the requirements of an answer. K.S.A. 60-208(b). A party must state defenses to allegations in short and plain terms, admitting or denying each claim as appropriate, and stating where

appropriate that a party is without information sufficient to form a belief as to the truth of an allegation. Allegations are admitted when not denied in an answer.

Affirmative defenses set out in K.S.A. 60-208(c), including any other matter constituting an avoidance or affirmative defense, must be plead in the answer. An answer must state as a counterclaim any claim, which at

the time of serving the pleading, the pleader has against any opposing party if the claim arises out of the same

transaction or occurrence and does not require the presence of third parties for adjudication. K.S.A. 60-213. See

Form 029.

Special matters must be plead as required in K.S.A. 60-209. The answer must be served within the time prescribed by K.S.A. 60-212(a), signed as required by K.S.A. 60-211, and served upon the parties and filed with

the court as required by K.S.A. 60-205(b) and (d)(3).

Comment

*No technical form of an answer is required. Little specificity is required in pleadings. K.S.A. 60-208(e)(1) calls for simple, concise and direct allegations. *Fowler v Criticare Home Health Services, Inc.*, 27 Kan.*

App. 2d

869, 10 P.3d 8, aff'd 271Kan. 715, 26 P.3d 69 (2001). The burden of pleading and proving an affirmative defense

rests on the party raising the defense. An affirmative defense omitted from an initial answer to a petition may be

*added in an answer to an amended petition in the discretion of the Court. *King v Pimentel*, 20 Kan. App. 2d. 579,*

582, 890 P.2d 1217 (1995).