

Plaintiff's name _____ v Defendant's name _____

AFFIRMATIVE DEFENSES

☐ Defendant, ☐ Attorney for defendant, states the following affirmative defenses:

CHECK ALL THAT APPLY (for each box checked, attach a statement of facts)

- ☐ 1. I paid this debt in full (satisfied). Attached is proof of payment.
- ☐ 2. This action is barred by the statute of limitations because
- ☐ the plaintiff failed to sue within six years of _____, the last activity on the alleged account.
MCL 600.5807(9) Date
- ☐ the alleged contract involves a motor vehicle retail installment sales contract or the sale of other goods, and the plaintiff failed to sue within four years of _____, the last activity on the alleged account.
MCL 440.2725(1) Date
- ☐ the plaintiff failed to sue within three years after the alleged contract of sale of a mobile home on _____.
MCL 125.2333 Date
- ☐ 3. ☐ I paid an amount that the plaintiff accepted as payment in full (accord and satisfaction). Attached is proof of payment.
- ☐ The debt was discharged in bankruptcy. The case number was _____.
- ☐ 4. The contract is void or voidable because
- ☐ I was a minor when the alleged contract was made.
- ☐ I was not mentally competent when the alleged contract was made. Probate case number _____.
Attached are my letters of conservatorship/guardianship.
- ☐ there was no valid contract (no meeting of the minds) because _____.
- ☐ 5. The contract was severely unjust or extremely one-sided (unconscionable).
- ☐ 6. I am not liable for the alleged damages because of the plaintiff's contributory negligence.
- ☐ 7. The alleged contract is unenforceable because it is not in writing (statute of frauds).
- ☐ 8. My vehicle was repossessed and later sold in a commercially unreasonable manner. MCL 440.9607(3).
- ☐ 9. The contract should not be enforced because of the plaintiff's improper conduct (fraud and/or duress).
- ☐ 10. The goods purchased were defective (failure of consideration).
- ☐ 11. The terms of the contract did not express what the parties intended (mutual mistake).
- ☐ 12. I have not been credited for all payments made on the alleged account. Attached is proof of payment.
- ☐ 13. Other:

Date

Defendant/Attorney Signature

Name (type or print)

Michigan Debt Collection And Exemption Manual

Lei Huang



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The New Revised Hill's Manual of Social and Business Forms Thomas Edie Hill, 1897 *Moody's Bank and Finance Manual*, 1996 Instructions for Sheriffs, Coroners, and Constables Henry Binmore, 1894 **Multistate Tax Guide to Financial Institutions** B. D. Copping, Gary Fox, 2008. The Multistate Tax Guide to Financial Institutions the Guide was developed to provide a quick reference to assist tax professionals in finding answers to various financial institution specific income and franchise tax questions for all 50 states and the District of Columbia. The Guide is meant to be just that, a guide. It is not meant as a substitute for original research; it is not meant to be authoritative nor is it intended to provide tax advice and it cannot be relied on as a basis to avoid the imposition of penalties.

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