

NO. \_\_\_\_\_

IN THE MATTER OF § IN THE DISTRICT COURT  
THE MARRIAGE OF \_\_\_\_\_ §  
(PETITIONER) §  
and \_\_\_\_\_ §  
(RESPONDENT) § \_\_\_\_\_TH JUDICIAL DISTRICT  
and IN THE INTEREST §  
OF \_\_\_\_\_, §  
A CHILD § of FORT BEND COUNTY,  
TEXAS

**RESPONDENT'S ORIGINAL ANSWER**

\*{{ \_\_\_\_\_ }}\*, Respondent, files Respondent's Original Answer to Original Petition for Divorce. The last three digits of the social security number of \*{{ \_\_\_\_\_ are \_\_\_\_\_. }}\* The last three digits of the driver's license number of \*{{ \_\_\_\_\_ are \_\_\_\_\_. }}\* Respondent shows:

1. *General Denial*

Respondent enters a general denial.

\*[2. *Objection to Assignment of Case to Associate Judge*

Respondent objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

]\*\*[3. *Information about Child[ren]*

\*[ Information required by section 152.209 of the Texas Family Code is provided in the affidavit attached as Exhibit \_\_\_\_\_.

] \* Information required by section 154.181(b) of the Texas Family Code is provided in the statement attached as Exhibit \_\_\_\_\_.

]\*\*[4. *Verified Defenses*

Respondent enters the following verified defense[s]:

\*[ A. Petitioner is not entitled to recover in the capacity in which Petitioner sues, and Respondent is not liable in the capacity in which Respondent is being sued, because there is no existing marriage between the parties.

]\*\*[ B. There is another suit pending in Texas between the same parties involving the same claim. That suit is Cause No. \_\_\_\_\_, pending in \_\_\_\_\_ County, Texas, styled "In the Matter of the Marriage of [petitioner in pending suit] and [respondent in pending suit]."

]\*\*[ C. There is a defect of parties. Petitioner has alleged that certain property belongs to the parties that is, in truth, owned in a joint tenancy or by a partnership or corporation. If Petitioner is making claims against this property, then all cotenants, partnerships, or corporations holding record title to the property must be joined as third-party co-respondents in this suit.

]\*\*[ D. Respondent denies being a partner in any partnership named in Petitioner's pleading, namely \_\_\_\_\_.

]\*\*[ E. Respondent denies the existence of any corporation named in Petitioner's pleading, namely \_\_\_\_\_, because the business in question is not incorporated.

]\*\*[ F. Respondent is not doing business under an assumed name or trade name as alleged in Petitioner's pleading.

]\*\*\*[5. *Affirmative Defenses*

Respondent further alleges the following affirmative defense[s]:

\*[ a. accord and satisfaction[punctuation]

]\*\*[ b. contributory negligence[punctuation]

]\*\*[ c. duress[punctuation]

]\*\*[ d. estoppel[punctuation]

]\*\*[ e. failure of consideration[punctuation]

]\*\*[ f. fraud[punctuation]

]\*\*[ g. illegality[punctuation]

]\*\*[ h. laches[punctuation]

]\*\*[ i. payment[punctuation]

]\*\*[ j. release[punctuation]

]\*\*[ k. res judicata[punctuation]

]\*\*[ l. statute of frauds[punctuation]

]\*\*[ m. statute of limitations[punctuation]

]\*\*[ n. waiver[punctuation]

]\*\*[ o. arbitration and award[punctuation]

]\*\*[ p. assumption of risk[punctuation]

]\*\*[ q. discharge in bankruptcy.

]\*\*[ Respondent further alleges that there are offsetting benefits to the reimbursement claims made by Petitioner.

]\*\*\*[6. *Intentional, Knowing, or Reckless Bodily Injury*

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting -

\*[ a. in self-defense[punctuation]

]\*\*[ b. in defense of [his/her] separate property[punctuation]

]\*\*[ c. with the consent of Petitioner[punctuation]

]\*\*[ d. in defense of others.

]\*\*\*[7. *Threat of Imminent Bodily Injury/Offensive or Provocative Physical Contact*

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting -

\*[ a. in response to verbal provocation[punctuation]

]\*\*[ b. in self-defense.

]\*\*\*[8. *Intentional Infliction of Emotional Distress*

Respondent contends that at the time and place alleged in Petitioner's Original Petition -

\*[ a. Respondent was acting with the consent of the Petitioner[punctuation]

]\*\*[ b. the act or conduct alleged was not outrageous and did not result in serious or severe emotional distress[punctuation]

]\*\*[ c. Petitioner actually or impliedly ratified the actions of Respondent.

]\*\*\*[9. *Actual Fraud/Waste of Assets*

Respondent contends that -

\*[ a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner that was free from duress, coercion, fraud, or undue influence[punctuation]

]\*\*[ b. Petitioner's actions constituted a waiver or ratification of Respondent's actions.

]\*\*\*[10. *Constructive Fraud*

Respondent contends that -

\*[ a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner that was free from duress, coercion, fraud, or undue influence[punctuation]

]\*\*[ b. Petitioner's actions constituted a waiver or ratification of Respondent's actions[punctuation]

]\*\*[ c. Respondent's action constituted a fair disposition of property.

]\*\*\*[11. *Conversion of Separate Property*

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent -

\*[ a. had superior right, title, or right to possession of the property in question[punctuation]

]\*\*[ b. was acting with the owner's consent to the taking, either express or implied[punctuation]

]\*\*[ c. was acting with regard to community property.

]\*\*\*[12. *Transmitting Sexual Disease*

Respondent pleads -

\*[ a. comparative negligence[punctuation]

]\*\*[ b. lack of knowledge[punctuation]

]\*\*[ c. that Petitioner had multiple sexual partners.

]\*\*\*[13. *Invasion of Privacy by Unlawful Interception of Oral or Electronic Communication*

Respondent contends that, concerning the allegations in Petitioner's Original Petition, Respondent -

\*[ a. had the consent of Petitioner to intercept the communication[punctuation]

]\*\*[ b. was acting under color of law[punctuation]

]\*\*[ c. was a party to the communication.

]\*\*\*[14. *Tortious Interference with Business Relations*

Respondent contends that -

\*[ a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with privilege or justification[punctuation]

]\*\*[ b. at the time and place alleged in Petitioner's Original Petition, Respondent was acting in the interest of the parties community business[punctuation]

]\*\*[ c. at the time and place alleged in Petitioner's Original Petition, Respondent was acting as the agent of Petitioner[punctuation]

]\*\*[ d. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner[punctuation]

]\*\*[ e. Petitioner's actions constituted a ratification of Respondent's actions.

]\*\*\*[15. *Wrongful Interference with an Existing Contract*

\*[ a. Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting with justification or privilege[punctuation]

]\*\*[ b. Respondent contends that the contract that is the basis for this cause of action is an illegal contract[punctuation]

]\*\*[ c. Respondent pleads good-faith interference with the subject contract.

]\*]\*\*[16. *Interference with Custody*

Respondent affirmatively pleads that Respondent violated the order with the express consent of Petitioner.

]\*]\*\*[17. *Denial of Paternity*

Respondent denies that [he/Name] is the father of [child] and requests genetic testing under chapter 160 of the Texas Family Code.\*[ [He/Name] did not live or engage in sexual relations with [name] during the probable period of conception and never represented to others that the child was his own.]\*

]\*]\*\*[ 18. *Statute of Limitations--Denial by Petitioner*

Petitioner's denial of [his/Respondent's] parentage of [child] is barred by limitations because [he/Respondent] is the child[ren for paternity denial (~A2462V)]'s presumed father and this proceeding was not commenced before the fourth anniversary of the date of the birth of the child[ren for paternity denial (~A2462V)].

]\*]\*\*[19. *Objection to Genetic Tests--Denial by Petitioner*

Genetic testing should be denied and [Petitioner/Respondent (~A8605V)], who is the presumed father of [child], should be adjudicated to be the father of the child[ren for paternity denial (~A2462V)], because the conduct of Petitioner estops [him/her] from denying parentage, it would be inequitable to disprove the father-child relationship between the child[ren for paternity denial (~A2462V)] and the presumed father, and an order adjudicating the presumed father to be the father of the child[ren for paternity denial (~A2462V)] is in the child[ren for paternity denial (~A2462V)]'s best interest. The Court should appoint a guardian ad litem for the child[ren for paternity denial (~A2462V)].

]\*]\*\*[20 *Request for Change of Name*

Respondent requests a change of name to \_\_\_\_\_.

]\*]\*\*[21. *Attorney's Fees, Expenses, Costs, and Interest*

\*[ It was necessary for Respondent to secure the services of \_\_\_\_\_, a licensed attorney, to prepare and defend this suit. To effect an equitable division of the estate of the parties and as a part of that division, judgment for attorney's fees, expenses, and costs through final judgment after appeal should be granted against Petitioner and in favor of Respondent for the use and benefit of Respondent's attorney; or, in the alternative, Respondent requests that reasonable attorney's fees, expenses, and costs through final judgment after appeal be taxed as costs and be ordered paid directly to Respondent's attorney, who may enforce the order in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

]\*]\*\*[ It was necessary for Respondent to secure the services of \_\_\_\_\_, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the child[ren], judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Petitioner and in favor of Respondent for the use and benefit of Respondent's attorney and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

]\*]\*\*22. *Prayer*

Respondent prays that Petitioner take nothing and that Respondent be granted all relief requested in this Original Answer.

\*[ Respondent prays that Respondent's name be changed as requested above.

]\*\*[ Respondent also prays for attorney's fees, expenses, costs, and interest as requested above.

]\*\*[ Respondent requests a jury trial and pays the jury fee of \$\_\_\_\_\_.

]\*[ Respondent prays for general relief.

Respectfully submitted,

[attorney signature block]

\*[

The undersigned states under oath: "I am the

Respondent in this case. I have read the above Respondent's Original Answer. The statement[s]

contained in paragraph[s] [Paragraph number for verified defenses] in the Respondent's Original

Answer [is/are] within my personal knowledge and [is/are] true and correct."

\*{{\_\_\_\_\_}}\*

State of Texas

§

County of

§

SIGNED under oath before me on

Notary Public, State of Texas

]\*

**Certificate of Service**

I certify that a true copy of the above was served on

each attorney of record or party in accordance with the Texas Rules of Civil Procedure on

\_\_\_\_\_.

\_\_\_\_\_  
Attorney for Respondent