

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

Ira Distenfield, Linda Distenfield



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