

**ANSWER & COUNTERCLAIM
FORM B**

ROMANOWSKI LAW OFFICES
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Attorney for Plaintiff

Plaintiff

Rhonda P. Webber

vs.

Defendant

Ronald Webber

*SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
FAMILY PART*

MIDDLESEX COUNTY

Docket No. FM-12-0000-00-Z

CIVIL ACTION

TYPE OF ANSWER & COUNTERCLAIM

The Defendant, _____ [Name of Defendant], residing at _____, City, County and State, by way of Answer to the Complaint and Counterclaim for Divorce, says:

ANSWER

1. Paragraphs 1, 3, 6, 7 and 8 are admitted.
2. Paragraphs 2 and 4 are admitted as regards the residence of the Plaintiff only.
3. Paragraph 5 and its sub-paragraphs are denied. _____ [or admitted, explained, or Defendant can neither admit nor deny Plaintiff's allegations in paragraph 6 and leaves Plaintiff to her/his proofs].

WHEREFORE, Defendant demands that the Complaint be dismissed with counsel fees and costs.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff is estopped by her conduct from recovering on the Complaint.

THIRD AFFIRMATIVE DEFENSE

The Complaint is barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

The Defendant-counterclaimant was justified in his acts and conduct and therefore is not liable to Plaintiff on the claims raised in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

The cause(s) of action set forth in the Complaint are barred by the applicable statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff's Complaint is barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's Complaint is barred by her comparative negligence.

COUNTERCLAIM FOR DIVORCE

1. The Defendant, _____ [Name of Defendant], repeats and re-alleges all of the allegations set forth in his Answer as if set forth at length herein.

2. He was lawfully married to the Plaintiff on _____ [Date] in _____ [Town or City and State].

3. The Defendant was a *bona fide* resident of the State of New Jersey when this cause of action arose and has ever since and for more than one year next preceding the commencement of this action continued to be such a *bona fide* resident. At the time the within cause of action arose, the Defendant resided at _____ [Residence of Defendant].

4. The Plaintiff resides at _____ .

5. The parties have lived separate and apart under separate roofs for more than eighteen months, beginning on _____ [Date] and continuing thereafter until the present, Plaintiff having continued to reside in the former marital home at _____ [Address], and Defendant having resided at _____ [Address]. There is no reasonable prospect of their becoming reconciled.

6. _____ [Number of children] children were born of the marriage, namely, _____ [Names and birthdates of children. Also state with whom they reside.].

7. There have been no previous proceedings between the Plaintiff and the Defendant respecting the marriage or support of Plaintiff and the minor children. _____ [If there were any prior proceedings, list them with the docket numbers.].

WHEREFORE, Defendant demands judgment on the Counterclaim as follows:

- A. Dissolving the marriage between the parties;
- B. Awarding him custody of the minor children of the marriage;
- C. Equitably distributing all real and personal property and all marital debts legally and beneficially acquired or incurred by the parties or either of them during the marriage;
- D. Awarding Defendant counsel fees and costs.
- E. For such further relief as the Court may deem just and equitable under the circumstances.

Attorney for Defendant

Date: _____