

**IN THE SMALL CLAIMS DIVISION
OF THE JUSTICE'S COURT
OF FALLON COUNTY, MONTANA
BEFORE THE HONORABLE NICOLE M. BROWN, JUSTICE OF THE PEACE**

)	
)	
Plaintiff(s),)	SMALL CLAIMS COMPLAINT AND ORDER
)	
Vs.)	
)	SMALL CLAIMS FILE NO.:
)	SM-_____
)	
Defendant(s).)	

COMPLAINT

STATE OF MONTANA, COUNTY OF FALLON

Comes now, the Plaintiff, being first duly sworn upon oath, and complains and alleges that the defendant(s) is (are) indebted to the Plaintiff in the sum of \$ _____ For _____

which sum is now due, owing and unpaid despite demands for the payment of said sum; that the defendant(s) refused to pay the same and no part thereof has been paid, together with Plaintiff's costs herein expended.

That obligation sued on was contracted to be performed in the above-named county.
That at the commencement of action, Defendant resides in the above-named county.
I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff

Plaintiff's Address

Subscribed and Sworn to before me

Dated this _____ day of _____, 20__

Justice of the Peace

ORDER OF THE COURT/NOTICE TO DEFENDANT

THE STATE OF MONTANA, to the above-named Defendant(s): You are hereby directed to appear and answer the within and foregoing complaint, in the above-entitled court at:

THE FALLON COUNTY JUSTICE'S COURT, COURTHOUSE, BAKER, MONTANA

On _____, **20**__ **at** _____ **M.**

Reset for _____, 20__ at _____ M.

Reset for _____, 20__ at _____ M.

and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim; and you are further notified that in case you do not appear, judgment will be taken against you by default, relief demanded in the complaint and for costs of the action, including costs of service of the complaint and order of the court/notice to defendant.

You are further notified that, within 10 days of service upon you of this complaint and order, you may remove this action from the small claims court to Justice Court, and that failure to remove shall constitute a waiver of your rights to at trial by jury and to representation by counsel.

**To the Sheriff, Constable or Service of Process of said county, Greetings:
Make legal service and due return thereof on the Defendant at:**

Ordered this _____ **day of** _____, **200**__.

Justice of the Peace

INFORMATION FOR DEFENDANTS IN SMALL CLAIMS ACTIONS

1. When you have been served with an Order of the Court to appear for trial in an action filed against you in the Small Claims Court of Fallon County, you may, if you do not wish to contest the Plaintiff's claim:
 - a. Make an out-of court settlement with the Plaintiff before the date set for trial, and file the Plaintiff's dismissal with the Justice Court, or
 - b. Make no appearance at the trial, in which case the Plaintiff may be given a judgment by default for the amount claimed, plus costs.

2. If you wish to contest the claim against you, you must appear on the date set for trial with all books, papers, and witnesses needed to establish your defense. At your request, the clerk will issue subpoenas for appearance of any witnesses you may need.

3. You are entitled to be served with this "Declaration and Order" at least 5 days before the trial date. If you are served, you may:
 - a. Appear in court and request a continuance of not less than 10 days, nor more than 20 days, or
 - b. Appear in court, waive your statutory right to such service, and proceed with the trial.

4. If the Plaintiff recovers a judgment against you, he is entitled to immediate payment of the full amount of the judgment, plus courts costs, or payment upon such terms as the Judge may prescribe. Payments should be made directly to the Plaintiff and not to the court. When the judgment has been paid in full, you are entitled to receive from the Plaintiff a "Satisfaction of Judgment." This form may be obtained from the court; and after being signed by party who was paid in full, it should be filed with the court as a matter of record.

5. If you are dissatisfied with the judgment, you may, within 10 days after the date of entry of judgment, appeal to the court's decision. See the court for forms and procedure on appeal.

CERTIFICATE OF SERVICE

STATE OF MONTANA, COUNTY OF FALLON

I, the undersigned, declare: I was, at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to the within-entitled action; I served the within declaration and Order in the above-entitled action by delivering to and leaving with the person(s) personally hereinafter named, a copy thereof, at the address and on the date set forth opposite each name of said person(s), in the County of Fallon, State of Montana, to wit:

NAME OF PERSON SERVED STREET ADDRESS & CITY WHERE SERVED DATE OF SERVICE

Fee for Service \$ _____ Mileage \$ _____ Total \$ _____

I declare under penalty of perjury that the foregoing is true and correct.

Signature of person making affidavit