

# GALLATIN COUNTY JUSTICE COURT OF RECORD

## SMALL CLAIMS COURT CHECKLIST

### **PLAINTIFF**

- \_\_\_\_ Send a letter to the defendant demanding payment by a specific time. A certified letter is recommended. When you file the claim and go to trial, bring the proof of mailing the letter.
- \_\_\_\_ Request a complaint form from the clerk or justice of the peace, complete the form and sign it in front of the clerk or the justice. The forms are also available on the Court's website.
- \_\_\_\_ Provide the name and complete street address of the defendant. If suing a corporation, make sure the correct legal name is on the complaint.
- \_\_\_\_ Make sure the sum of money or property being sued for is a specific amount of \$7,000 or less.
- \_\_\_\_ File the complaint in the county where the defendant lives or in a county where the defendant may be served.
- \_\_\_\_ Pay the filing fee of \$30. If you cannot afford the fee, complete an Informa Pauperis Form asking the court to waive the fee. The form is available on the Court's website or at their counter.
- \_\_\_\_ Once the complaint is filed, a mediation will be scheduled and the documents will be served on the Defendant.
- \_\_\_\_ If no resolution is reached through mediation, a Judge Trial may be requested.
- \_\_\_\_ Have the court issue any required subpoenas for witnesses you need at trial.
- \_\_\_\_ If the defendant wasn't served at least five days before the hearing, ask the court to reset the hearing date.
- \_\_\_\_ Bring all required evidence, documents, and witnesses to court on the scheduled date and be prepared to present your case.
- \_\_\_\_ If the case is settled prior to trial, file a signed, written agreement with the court.
- \_\_\_\_ If you wish to appeal the small claims court's decision, file your appeal within 10 days after the judge's order is signed and pay the required fee.

### **DEFENDANT**

- \_\_\_\_ After the complaint is filed, the court will order a mediation within 10 to 40 days of the date of the order. If you are unable to be there or cannot be prepared by that date, ask the court to reschedule the hearing by using a Civil Motion Form.
- \_\_\_\_ You can settle with the plaintiff out of court. If so, a signed copy of your written settlement agreement must be filed with the court.
- \_\_\_\_ If you prefer a jury trial or want an attorney to represent you, file a motion within 10 days from the date the complaint is served to remove the case to justice court.
- \_\_\_\_ If filing a counterclaim, the amount in question cannot exceed \$6,500.
- \_\_\_\_ Serve your counterclaim on the plaintiff at least 72 hours before the hearing date.
- \_\_\_\_ Pay the clerk the \$20 Appearance Fee Per Defendant when you appear for mediation, or when you file a counterclaim, or when you remove the case to justice court.
- \_\_\_\_ If you cannot afford the fees, complete an Informa Pauperis Form asking the court to waive the fees.
- \_\_\_\_ If no resolution is reached through mediation, a Judge Trial may be requested.
- \_\_\_\_ Before the hearing, have the court issue any necessary subpoenas for witnesses you need.
- \_\_\_\_ Bring all supporting evidence, documents, and witnesses to court on the hearing date, and be prepared to present your case.
- \_\_\_\_ If you wish to appeal the small claims court's decision, file your appeal within 10 days after the judge's order is signed and pay the required fee.

For more information go to: <https://dojmt.gov/consumer/guide-to-small-claims-court>

IN THE **SMALL CLAIMS DIVISION** OF THE JUSTICE COURT OF RECORD, DEPARTMENTS ONE AND TWO,  
OF THE STATE OF MONTANA IN AND FOR THE COUNTY OF GALLATIN, BEFORE  
RICK WEST / BRYAN ADAMS, JUSTICES OF THE PEACE

615 So. 16th Avenue, Room 168, Bozeman, MT 59715 406-582-2191

\* \* \* \* \*

_____	)	
_____	)	
	)	Case No. SM - _____ - _____
Plaintiff(s)	)	
	)	
-vs-	)	<b><u>SMALL CLAIMS</u></b>
	)	
_____	)	<b><u>COMPLAINT</u></b>
_____	)	
	)	
Defendant(s)	)	

Comes now the Plaintiff, being first duly sworn, upon oath, and complains and alleges that Defendant is indebted to Plaintiff in the sum of \$\_\_\_\_\_ for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

which sum is now due, owing, and unpaid despite demands for the payment of the sum, together with Plaintiff's costs expended in this action.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Address

\_\_\_\_\_  
Plaintiff's City/State/Zip

\_\_\_\_\_  
Plaintiff's Phone Number/Cell Phone

\_\_\_\_\_  
Plaintiff's E-Mail Address

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk, Small Claims Division

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615 So. 16th Avenue, Room 168, Bozeman, MT 59715 406-582-2191

\* \* \* \* \*

_____	)	
	)	
_____	)	Case No. SM - _____ - _____
	)	
Plaintiff(s)	)	
	)	
-vs-	)	<b><u>ORDER AND NOTICE</u></b>
	)	
_____	)	<b><u>TO DEFENDANT</u></b>
	)	
_____	)	
	)	
Defendant(s)	)	

You are hereby directed to appear and answer the attached complaint at the above named Justice's Court on:

_____	at ____:____ M. Reset for:
_____	at ____:____ M. Reset for:
_____	at ____:____ M. Reset for:
_____	at ____:____ M. Reset for:

and to have with you, all books, papers, and witnesses needed by you to establish your defense to the claim. You must provide three (3) copies of any photos and/or exhibits defending your case (1 copy for yourself, 1 copy for the opposing party and 1 copy for the court). You are further notified that in case you DO NOT APPEAR, JUDGMENT WILL BE TAKEN AGAINST YOU BY DEFAULT for the relief demanded in the complaint and for costs of this action, including costs of service of the complaint and Order of the Court and Notice to Defendant.

**You are hereby further notified that, within ten (10) days of service upon you of this complaint and order, you may remove this action from the small claims court to justice civil court, and that your failure to remove constitutes a waiver of your right to trial by jury and representation by counsel.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Justice of the Peace/Clerk



## THE FOLLOWING IS A LIST OF SUGGESTED PROCESS SERVERS:

### SERVICE OF CIVIL PAPERS AND EXECUTIONS

#### **Gallatin County Sheriff's Office**

Service of Complaint : \$70 up front required per person or business – if recalled – no refund

Executions: \$175 per person +\$75 each additional + additional charges may apply

Subpoenas: \$70 per person

Aqister Liens: \$175 for Sheriff's Sale + Advertising fee

Posting Notice: \$70 per person/location

Writ of Assistance: \$70 per person + additional charges after first 15 minutes standby

Deliver to Sheriff's Office – 406-582-2125

A signed Praeceptum w/physical address (no P.O. Boxes) must be attached to all papers

*No fee for Orders of Protection*

#### **Anderson Civil Process Service**

Dale Anderson

PO Box 731

Belgrade MT 59714

406-600-0935

andersoncivilprocess@yahoo.com

#### **Equity Management Inc**

Gloria

PO Box 4906

Missoula MT 59806

406-721-3337

serve@equityprocess.com

Bozeman 406-580-6420

#### **Williams Investigation**

Tyler Paulsen

4185 N Montana, Suite 4

Helena, MT 59601

406-442-2621

### SERVICE OF CIVIL PAPERS

#### **A-1 Valley Bail Bonds**

Scott Restvedt & Rod Young

PO Box 434

Belgrade, MT 59714

406-586-8235

#### **A-1 Valley Process Service**

Tyler Restvedt

406-539-6084

#### **Central Montana Bail Bonds**

Chris Wright

PO Box 24

Lewistown MT 59457

406-350-BOND (2663)

Bozeman Contacts:

Hailey & Nelletta Hedrick

406-582-1133

[www.centralmontanabailbonds.com](http://www.centralmontanabailbonds.com)

# SMALL CLAIMS SAMPLE FORMS

This information packet contains the forms and samples of the forms you must complete to file a Small Claims Case in Gallatin County Justice Court of Record.

If you have any questions about completing the forms, please contact one of the following:

## Gallatin County Self-Help Law Center

Gallatin County Law and Justice Center

615 S. 16th Street

Bozeman, MT 59715

Phone: 406-582-2158

Email: [gallatincountyselfhelp@mt.gov](mailto:gallatincountyselfhelp@mt.gov)

or

## Gallatin County Justice Court of Record

Gallatin County Law and Justice Center

615 South 16<sup>th</sup> Avenue Room #168

Bozeman, MT 59715

Phone: 406-582-2191 Option #1

Email: [justice@gallatin.mt.gov](mailto:justice@gallatin.mt.gov)

Website: <https://gallatincomt.virtualltownhall.net/justice-court>

**NOTE: The Court CANNOT provide any legal advice**

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615 So. 16th Avenue, Room 168, Bozeman, MT 59715

406-582-2191

\* \* \* \* \*

Name(s) of Plaintiff(s)

Plaintiff(s)

-vs-

Name(s) of Defendant(s)

Defendant(s)

Case No. SM - \_\_\_\_\_ - \_\_\_\_\_

**SMALL CLAIMS**

**COMPLAINT**

Comes now the Plaintiff, being first duly sworn, upon oath, and complains and alleges that Defendant is indebted to Plaintiff in the sum of \$\_\_\_\_\_ for Express or implied contract for a pre-determined amount of money or specific personal property. A clear and concise statement of your complaint against the defendant. If more space is needed, attach each additional sheet in triplicate. The court cannot award judgment for more than you ask for in the complaint. If there are any ongoing costs that may accrue after filing of the complaint, you must be very specific and ask for those costs.

which sum is now due, owing, and unpaid despite demands for the payment of the sum, together with Plaintiff's costs expended in this action.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Address

\_\_\_\_\_  
Plaintiff's City/State/Zip

\_\_\_\_\_  
Plaintiff's Phone Number/Cell Phone

\_\_\_\_\_  
Plaintiff's E-Mail Address

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk, Small Claims Division

IN THE **SMALL CLAIMS DIVISION** OF THE JUSTICE COURT OF RECORD, DEPARTMENTS ONE AND TWO,  
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\* \* \* \* \*

Name(s) of Plaintiff(s)

Plaintiff(s)

-VS-

Name(s) of Defendant(s)

Defendant(s)

Case No. SM - -

**ORDER AND NOTICE**

**TO DEFENDANT**

You are hereby directed to appear and answer the attached complaint at the above named Justice's Court on:

Plaintiff only fills in Plaintiff(s) and Defendant(s)  
names. All other fields filled out by Court Clerk.

at \_\_\_\_:\_\_\_\_ M. Reset for:

at \_\_\_\_:\_\_\_\_ M. Reset for:

at \_\_\_\_:\_\_\_\_ M. Reset for:

at \_\_\_\_:\_\_\_\_ M. Reset for:

and to have with you, all books, papers, and witnesses needed by you to establish your defense to the claim. You must provide three (3) copies of any photos and/or exhibits defending your case (1 copy for yourself, 1 copy for the opposing party and 1 copy for the court). You are further notified that in case you DO NOT APPEAR, JUDGMENT WILL BE TAKEN AGAINST YOU BY DEFAULT for the relief demanded in the complaint and for costs of this action, including costs of service of the complaint and Order of the Court and Notice to Defendant.

**You are hereby further notified that, within ten (10) days of service upon you of this complaint and order, you may remove this action from the small claims court to justice civil court, and that your failure to remove constitutes a waiver of your right to trial by jury and representation by counsel.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Justice of the Peace/Clerk



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406-582-2191

\* \* \* \* \*

Name(s) of Plaintiff(s)

Plaintiff(s)

-vs-

Name(s) of Defendant(s)

Defendant(s)

Case No. SM - \_\_\_\_\_ - \_\_\_\_\_

**Small Claims**

**PRAECIPE**

**Instructions for Service**

**TO:** Sheriff's Department or Process Server of your choice

Sheriff's Department or Process Server

**FROM:** **Plaintiff's Name:** YOUR Name

**Address:** Mailing Address

**Phone:** Best phone number to reach you

Please serve the Small Claims Complaint, Order of Court, and Notice to Defendant on the Defendant at:

(Indicate where you would like the server to serve the documents on the defendant.

Include specific address of residence and/or address of employment.)

and make your return to Gallatin County Justice Court, Small Claims Division,  
Bozeman, Montana.

**\*\*\* PLEASE NOTE THAT THE ORDER OF COURT / NOTICE TO DEFENDANT MUST BE SERVED  
AT LEAST FIVE (5) DAYS PRIOR TO TRIAL, OR A NEW TRIAL DATE MUST BE SET BY THE  
COURT.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace/Clerk