

SALT LAKE CITY JUSTICE COURT
333 SOUTH 200 EAST, PO BOX 145499, SALT LAKE CITY, UT 84111-5499
Phone: 801-535-6301 / Fax: 801-535-6302

Name _____ **Plaintiff**)

Street Address _____)

City, State, Zip _____)

Telephone No. _____)

vs.)

Name _____ **Defendant**)

Street Address _____)

City, State, Zip _____)

Telephone No. _____)

And (Please check one.) **Defendant or**)

Name _____ **Registered Agent**)

Street Address _____)

City, State, Zip _____)

Telephone No. _____)

SMALL CLAIMS

AFFIDAVIT & SUMMONS

Case No. _____

AFFIDAVIT

I swear that the following is true:

(1) Defendant Owes me \$ _____ for the claim described in paragraph (2)
plus the court filing fee of \$ _____
plus an estimated service fee of \$ _____
for a total of \$ _____ plus prejudgment interest, if qualified.

(2) The events happened on (date) _____. My claim is based on the following facts. _____

- (3) Defendant resides within the jurisdiction of this court. The events happened within the jurisdiction of this court.
(4) I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct
(5) I am not suing on a claim that has been assigned to me.
(6) I have not included any non-public information on this document.

Date _____ Sign here ► _____

I certify that _____, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date _____ Court Clerk or Notary Sign here ► _____

SUMMONS

THE STATE OF UTAH TO THE DEFENDANT(S): You are summoned to appear at trial, at: **333 South 200 East, Salt Lake City, UT 84111** to answer the above claim. If you fail to appear at the trial, judgment may be entered against you for the total amount claimed.

Date of trial: _____ **Time:** 5:30 pm

Date _____ Court Clerk Sign here ► _____

Disability Accommodations: If you need accommodation of a disability, contact a judicial service assistant at least 3 days before the hearing.

READ INSTRUCTIONS ON THE BACK OF THIS FORM

INSTRUCTIONS TO THE DEFENDANT

1. TRIAL. A small claims case has been filed against you. This imposes upon you certain rights and responsibilities. If you wish to contest the plaintiff's claim, you must appear at trial on the appointed day. If you fail to appear at trial, judgment may be entered against you for the amount claimed.

2. PAYMENT. If you do not dispute the claim, make arrangements with the plaintiff to pay the claim and the court costs. If the plaintiff obtains judgment and pursues collection through the court, additional court costs and interest may be charged to you.

3. COUNTER AFFIDAVIT. If the plaintiff owes you money, you may file a Counter Affidavit and Summons, and pay the proper fee. You must file the Counter Affidavit and Summons at least 15 calendar days prior to the trial date. The court clerk will mail a copy of the Counter Affidavit to the plaintiff. The court clerk may reschedule the trial. The defendant may not claim more than the Small Claims maximum amount in the counter affidavit. If the defendant's claim exceeds the maximum amount, the defendant may file a civil complaint in the district court under the Utah Rules of Civil Procedure.

ADDITIONAL INSTRUCTIONS TO BOTH PARTIES

1. SMALL CLAIMS RULE 3 (b) . **If the plaintiff's affidavit and summons is not served within 120 days after filing, the action may be dismissed without prejudice upon the court's own initiative with notice to the plaintiff.**

2. ATTORNEYS. Small Claims cases are informal. Parties are encouraged to represent themselves. However, you may hire an attorney if you wish. Parties with attorneys will not get preferential treatment. The court clerks can help with procedural questions, but they cannot give legal advice. If you have an unanswered question, you may need to consult an attorney. The court clerks cannot refer you to an attorney, but the Utah State Bar operates a lawyer referral service, which can be contacted at 801-531-9077 or through the internet at www.utahbar.org.

2. SETTLEMENT BEFORE TRIAL. If the defendant does not deny the facts in the affidavit or if the plaintiff does not deny the facts in the counter affidavit, the parties should make arrangements to pay the claims. If the case goes to trial and collection through the court, additional costs and interest may be charged. If the case is settled prior to trial, complete and file Motion to Dismiss and Order. The form is available at court or on-line at www.slcgov.com/courts/

3. POSTPONING THE TRIAL. To change the trial date, complete and file a motion and order to postpone at least five business days before trial. A postponement is not automatic; you must provide a good reason. The court clerk can grant a postponement of up to 45 calendar days. A request for postponement for more than 45 days may be granted only by the judge. One postponement of the trial date per side may be granted by the clerk. The court may require the party requesting the postponement to pay the costs incurred by the other party.

4. TRIAL, EVIDENCE AND WITNESSES. It is suggested that you observe a session in the small claims court before your trial date. By doing so, you will become more familiar with court procedures and you will be better prepared to present your case. File with the court, all documents and photographs necessary to prove your claim before the trial date. Evidence may be offered through the statements of witnesses, who may be any person with knowledge of the relevant facts. Evidence may be offered through documents, such as business records, bids, appraisals, invoices and account statements. Evidence may be offered through photographs, such as photographs of the damage to a vehicle. The judge will usually question the parties and witnesses. The courts do not provide language interpreters. If you need an interpreter for yourself or a witness, you must make those arrangements. Bring to the trial all witnesses.

5. SUBPOENA. If a witness will not testify or produce a document voluntarily, you may require that person to attend or produce a document by serving a subpoena. For more information about subpoenas, see Utah Rule of Civil Procedure 45 and Civil Procedure Form 40. The court clerk will issue a subpoena upon request. Any person over the age of 18 who is not a party to the case may serve the subpoena on the witness by any method permitted for serving the complaint in a civil action. The subpoena must be served at least 5 days before trial. To ensure the subpoena is correctly served on time, give the subpoena and witness fee to the sheriff, constable or private process server, who will deliver the subpoena to the witness and file proof of service with the court. A witness may appear voluntarily without a subpoena, but the judge will not continue the trial if a witness without a subpoena fails to appear. If a witness served with a subpoena fails to appear, the witness may be held in contempt of court.

6. JUDGMENT. The judge will decide the case based on the evidence. Usually the judge decides the case immediately after the trial. If the judge takes the case under advisement, the judge should issue a decision within 60 days, and the court clerk will notify the parties by mail. The judgment principal continues to accrue interest after judgment, if awarded. In addition to the judgment principal and post-judgment interest, the creditor is entitled to collect from the debtor the cost of collecting the judgment. The judgment exists for 8 years, and the creditor must collect it or renew it within that time.

7. APPEAL. A party may appeal a small claims judgment within 30 days after the dismissal or judgment. A Notice of Appeal must be filed with the court and a Third District Court Notice of Mediation form. The appropriate fees must be paid, before a case can be transferred to district court. The notice of appeal does not stay the judgment and the judgment creditor may attempt to collect during the appeal. To stay the judgment and prohibit collection, the debtor must file with the district court a bond sufficient to cover the amount of the judgment.

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 Phone: 801-535-6301 / Fax: 801-535-6302

Name _____, Plaintiff)

Street Address _____)

City, State, Zip _____)

vs. _____)

Name _____, Defendant)

Street Address _____)

City, State, Zip _____)

and _____)

Name _____, Defendant)

Street Address _____)

City, State, Zip _____)

**SMALL CLAIMS
 MILITARY SERVICE
 DECLARATION**

Case No. _____

If the defendant is a business, you do not need to fill out this form, it only applies to individuals.

(1) To support my Motion for Default Judgment and to comply with the Servicemembers Civil Relief Act, I state that the following is true (check one): Plaintiff Defendant

Is in military service. Is not in military service. I am unable to determine military status.

(2) I have done the following research to support the above conclusion. _____

(3) (A certificate from the Department of Defense Manpower Data Center is the preferred evidence of military service status. Check this box only if you have attached that certificate.) I visited the Department of Defense Manpower Data Center website (<https://www.dmdc.osd.mil/scra/owa/home>) to inquire about military service, and I entered to following identifying information for Plaintiff Defendant, which I know to be correct:

Name	Date of Birth (Month and Year only)	Social Security Number (Last 4 digits only)

(4) I know the identifying information to be correct because: _____

(5) I do not know and am unable to discover the Plaintiff's Defendant's date of birth or social security number.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct. I understand that for knowingly making a false statement, I can be fined as provided in Title 18, United States Code, or imprisoned for not more than one year, or both.

Date _____

Sign here ► _____

Typed or printed name _____