

SANDERS COUNTY JUSTICE COURT

Hon. Douglas S. Dryden
Justice of the Peace
Sanders County, Montana

1111 Main Street
Thompson Falls, MT 59923

Office (406) 827-6941
FAX (406) 827-6987

INSTRUCTIONS for JUSTICE COURT CIVIL ACTIONS

THE COURT IS NOT ALLOWED TO GIVE YOU ANY LEGAL ADVICE. WE MAY ONLY ASSIST YOU BY PROVIDING THESE FORMS AND INSTRUCTIONS.

It is recommended that you seek professional legal advice before initiating any action.

It is also recommended that prior to filing your complaint; you have the defendant / tenant / opposing party served or send a certified letter requesting payment by a specific date. **Bring proof of this letter with you to the court.**

The following steps are listed to assist you in starting or defending a civil action:

1. In Justice Court, the amount demanded in the complaint **cannot exceed \$15,000** excluding costs. The person filing the claim is the plaintiff; the person responding is the defendant.
2. A written complaint must be prepared and filed with the Court. A complaint is a detailed written statement of the facts describing your case. You must clearly explain why the debt or property is owed to you and why the defendant is the party responsible for that debt. **You must include the dollar amount requested and/or request the return of specific property and include filing fees etc., if desired.**

You will need to prepare a summons and complaint to be served on the opposing party and a praecipe/directive for the Sheriff's office, process server, or other person to serve. **For each person you are suing, you will need a copy of the complaint, a copy of the summons, and the praecipe-if served by the Sheriff's Office.** Forms are available on the Sanders County website under Department, then click on Justice Court.

3. After the forms are properly filled out, bring the originals to Justice Court for filing.
4. **The court filing fee is \$50 for each complaint.** There are additional costs for service of the papers by the Sheriff's office or a process server. If you obtain a judgment in court, you may be entitled to recover some or all of the fees you paid to pursue this case in court. Note: A husband and wife cannot represent each other, and each must sign the complaint, if jointly filed.
5. The defendant or opposing party is legally notified of the lawsuit by service of the papers by the Sheriff's office, a process server or other person. After the papers are served you will need a certificate of service or acknowledgment of receipt of service. **You MUST return the "Original" summons to the Court to continue with the lawsuit.**

6. If the defendant denies the debt or disagrees with the complaint, the **defendant must file a detailed written answer with the court within 20 days of service (10 business days in landlord tenant actions for possession). The answer fee is \$30 for each defendant.** If you believe the plaintiff owes you money, then you must file a counterclaim at this time. The counterclaim must involve the same facts or circumstances as the original lawsuit. The defendant **must send a copy of the answer and counterclaim (if any) to the plaintiff.** Note: A husband and wife cannot represent each other and each need to file a separate answer. If no answer or counterclaim is received by the Court within 20 days (or 10 days in actions for possession) after service, the plaintiff may ask for a judgment by default.
7. If the defendant files a written answer in a civil case, a hearing will be scheduled for the judge to hear your case. If the defendant in a landlord tenant action for possession files an answer, a hearing/trial date will be set within 14 days. Otherwise, the court will set a hearing within 20 days. The parties may settle the action at any time prior to the trial date. If a settlement is reached, the plaintiff must immediately notify the Court to have the case removed from the calendar.
8. In more complex cases, a pre-trial hearing may be held in the courtroom between the parties. This hearing is scheduled for the benefit of the parties and allows for a full and fair discussion of the issues of the lawsuit filed. It will also be the setting where the parties comply with the discovery requirements as set forth in the Montana Civil Code. Both parties will be required to bring two (2) copies of their written list of witnesses, as well as two (2) copies of all documents, contracts, photos, receipts etc. that they plan to use as evidence.
9. Otherwise, at the scheduled hearing, plaintiff and defendant will need to have their witnesses present as opposed to filing affidavits signed by persons. In addition, all charges for rent, damage, etc. must be "sum certain" (have a written rental contract, a purchase, or otherwise, and receipts showing the true amount paid to repair damages, clean residences, etc.). The Judge will hear your case and make a final judgement based upon the testimony and evidence presented during the hearing.
10. Settlement is possible at the pre-trial hearing and will save the parties the cost and time of going to a formal hearing or trial. If the plaintiff does not appear at the scheduled hearing, the complaint may be dismissed upon request of the defendant.