

RIVERTON JUSTICE COURT
12830 S. REDWOOD ROAD. RIVERTON, UT 84065
Ph: (801) 208-3131 or 208-3150, Fax: (801) 446-4274

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

Plaintiff swears that the following is true:

(1) Defendant Owes Plaintiff \$ _____ for the debt described in (2)
plus the court filing fee of \$ _____
plus an estimated service fee of \$ _____
for a total of \$ _____ plus prejudgment interest to the date of judgment.

(2) This debt arose on _____ for _____

(3) Defendant resides or the claim arose within the jurisdiction of this court.

Plaintiff or Agent's Signature

SUBSCRIBED and SWORN to before me on _____, 20 _____

Clerk or Notary

SUMMONS

THE STATE OF UTAH TO THE DEFENDANT: You are summoned to appear at trial **at: 12830 S 1700 W** to answer the above claim.

Date of trial: _____

At time: 1:30 pm

If you fail to appear at the trial, judgment may be entered against you for the amount listed above.

Dated: _____, 20 _____

Clerk

ADA NOTICE: In compliance with Americans with disabilities act (ADA), individuals requiring special accommodations during this proceeding should call the Riverton Justice Court at (801) 208-3150, 208-3131 at least three working days prior to the proceeding.

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 need information, you may obtain a small claims informational brochure from the court clerk. 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 requested.

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 on a form provided by the clerk, pay the proper fee. You must file the Counter Affidavit 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 \$7500 in the counter affidavit. If the defendant's claim exceeds \$7500, the defendant may file a civil complaint in the district court under the Utah Rules of Civil Procedure.

ADDITIONAL INSTRUCTIONS TO BOTH PARTIES

1. 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 801-531-9075 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 a motion to dismiss.

3. POSTPONING THE TRIAL. To change the trial date, complete and file a motion for continuance at least five business days before trial. A continuance is not automatic; you must provide a good reason. The court clerk can grant a continuance of up to 45 calendar days. A longer continuance may be granted only by the judge. Each side can only get one continuance from the court clerk. The party requesting the continuance may be ordered to pay the other party's costs, such as the reasonable and necessary cost of preparing for trial.

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. Bring to the trial all witnesses, documents and photographs necessary to prove your claim or defense or the case may be decided against you for lack of proof. 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.

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. 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 that issued the judgment and the appropriate fees paid. 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.

RIVERTON JUSTICE COURT
12830 SOUTH 1700 WEST RIVERTON, UT 84065
Ph. 801-208-3131, OR 208-3150 / Fax 801-446-4274

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
AFFIDAVIT

Case No. _____

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

I am the plaintiff in this case. To support my application for a default judgment and to comply with the Servicemembers Civil Relief Act, I swear or affirm that: **(Check One)**

the Defendant is in military service.

I am unable to determine defendant's military service status. **(If you check this box, the judge may order you to post a bond or you may not be able to get a default judgment against the defendant, until further research has been done. If you have the defendant's social security number or date of birth, you can do your research at the following website <http://www.defenselink.mil/faq/pis/PC09SLDR.html> and attach the certificate to this form and file it with the court.)**

the Defendant is not in military service. *If you check this box, please support your conclusion below.

I have done the following research to support the above conclusion:

I have mailed a copy of this affidavit to the defendant at the following address:

Date

Plaintiff's Signature

_____, plaintiff, personally known to me or presented satisfactory proof of identity to me. After being sworn and while under oath, plaintiff stated that he or she was acting voluntarily, had read and understood the preceding document, and that the contents were true. Plaintiff then signed the document in my presence.

Date

Clerk or Notary Signature

SCMSA