

**INSTRUCTIONS FOR COMPLETING
SMALL CLAIMS COMPLAINT AND ORDER OF COURT AND NOTICE TO DEFENDANT**

Please print neatly. If your complaint is not legible or incomplete the small claims court clerk will not accept it for filing.

Numbers 1 through 11 must be completed before your complaint can be filed with the small claims court. Please read the instruction for each number. Then fill in the correct information for that number.

1. **Complaint, Order and Notice to Defendant.** Print the name, address and telephone number of the party who is suing on the lines provided. This person is called the plaintiff. This may be someone other than you. If you are suing on behalf of a corporation, partnership, company, or association the plaintiff is the corporation, partnership, company, or association. 1(a) must be completed and 1(b) completed if more than one plaintiff.
2. **Complaint, Order and Notice to Defendant.** Print the name, address and telephone number of the party who is being sued on the lines provided. This person is called the defendant. If the party is a corporation, partnership, company, or association enter the name of the corporation, partnership, company, or association. 2(a) must be completed and 2(b) completed if more than one defendant.
3. **Complaint.** Check the box which best describes your relationship to the plaintiff, i.e. “the plaintiff”, “a partner”, “an officer of the plaintiff” or “an employee of the plaintiff”.

Only a plaintiff who has had the transaction with the defendant can file and prosecute a claim in small claims court. A power of attorney from the plaintiff is not sufficient to file a complaint. If you are not the plaintiff, or an employee of the plaintiff, or do not have direct and personal knowledge of the facts of the dispute, you can not complete this form for the plaintiff. Assigned claims are not allowed in small claims court unless pursuant to 27-1-718.
4. **Complaint.** Check the box which best describes the plaintiff, i.e. “an individual”, “a partnership”, or “a sole proprietor”. If you checked a box other than “an individual”, print in the name and address of the business if it is different from the name and address in item 1.
5. **Complaint.** Check the box which best describes the defendant, i.e. “an individual”, “a partnership”, or “a sole proprietor”. If you checked a box other than “an individual”, print in the name and address of the business if it is different from the name and address in item 2.
6. **Complaint.** Check the box which applies. Check both boxes if you are seeking the return of personal property or in the alternative the value of the personal property. Enter the amount of money owed or the value of the personal property. The amount cannot be more than \$7,000.00. Describe the property you want returned.
7. **Complaint.** Print the date the disputed claim happened. For example, the date the money was borrowed, note signed, goods purchased, or property borrowed or received.
8. **Complaint.** Explain the reason for the claim. Include what happened to cause the dispute. Attach additional sheet if needed.
11. **Complaint. Sign your name before the clerk of the small claims court.** The clerk of the small claims court will fill in the date for the hearing and give you a copy, and will explain what to do next.

What happens next?

- You must pay the court fees totaling \$30.00.
- You must have the complaint, order and notice served on the defendant. The clerk of the small claims court will provide you with a list of licensed levying officers. The defendant must be served not less than 5 days before the date set for the hearing. If it cannot be served before the hearing date, you can ask the clerk to set a new date for the hearing. The original of the Order and Notice to the Defendant must be filed with the court before the hearing date.
- You must attend the hearing. The hearing date, time, and location are stated in the Order and Notice to the Defendant. Be sure to bring along any witnesses, books, papers, or other evidence which will help you prove your claim to the court.
- **Read “Small Claims Court A Citizen’s Guide” prepared by the Office of the Montana Attorney General.**

Attached: Attorney General’s pamphlet: “Small Claims Court – A Citizen’s Guide” 7/1/11