

CHECKLIST FOR FILING A SMALL CLAIMS AFFIDAVIT AND SUMMONS

Keep a copy of all documents for your records.
Attend all court hearings

(1) Coversheet

- Print your name and address and those of the other parties and lawyers (if known).
- Print the amount of damages you are claiming.
- The amount of damages you are claiming determines the filing fee. Check the correct filing fee in the “Small Claims” section.

(2) Affidavit and Summons

- Print your name and contact information at the top of the first page. Check whether you are the plaintiff or the attorney for the plaintiff.
- The plaintiff’s name. If you are suing in your personal capacity use your name. If you are representing a business with a trade name, including a corporation, partnership or solely owned business, use the business’ trade name.
- The defendant’s name. If you are suing a natural person, use the person’s name. If you are suing a business with a trade name, including a corporation, partnership or solely owned business, use the business’ trade name. Contact the Department of Commerce to obtain a corporation’s name and the name of its registered agent.
- Case number. Leave blank. The court clerk assigns the case number.
- Paragraph (1): Enter the amounts claimed in the spaces provided. Include in the principal amount any interest accrued to the date of filing. Do not file an amended Affidavit to claim interest between the filing date and the judgment date. If the court grants judgment, the court will include prejudgment interest in the judgment if you qualify for it.
- Paragraph (2): Enter the date on which the events happened. Briefly describe the facts.
- Paragraph (3): Check either or both boxes that apply.
- Paragraph (4): Check the box. You cannot sue in small claims a governmental entity or governmental employee for on-the-job conduct.
- Paragraph (5): Check the box. You cannot sue in small claims if the claim has been assigned to you.
- Omit any private or protected information. When filed, this document is a public record. Code of Judicial Administration Rule 4-202.09(9) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see Rule 4-202.02.
- Signature. Sign the Affidavit under oath before a notary or the court clerk.

Summons. Leave blank. The court clerk will schedule a trial date and complete the Summons, but you must arrange for serving it.

(3) To file the Affidavit and Summons

A small claims case must be filed in the court where the defendant resides or where the claim arose (where the events happened).

(4) To serve the Affidavit and Summons

The court clerk will give you a copy of the Affidavit and Summons to serve on the defendant. The Affidavit and Summons must be served on the defendant by one of the following methods at least 30 days before the trial date. If the defendant cannot be served by one of these methods, the plaintiff must refile the case as a civil complaint and obtain alternative service under Utah Rule of Civil Procedure 4.

(a) Mail a copy of the Affidavit and Summons to the defendant by any method that requires the defendant to acknowledge receipt with a signature. (Examples are registered or certified mail with return receipt signed by addressee only or a commercial courier service that will return a receipt signed by the addressee only.) The date of service is the date the defendant signs the receipt. Note that this method of service is effective only if the defendant is willing to sign the receipt. If not, the plaintiff must deliver the Affidavit to a professional process server under (b).

OR

(b) Deliver the Affidavit to one of the officials authorized by Utah Code Section 78B-8-302, who will serve it on the defendant and file a Certificate of Service with the court (sheriff, constable or private process server).

(5) Certificate of Service of Affidavit and Summons

If a sheriff, constable or private process server serves the Affidavit and Summons on the defendant, that person will complete and file a Certificate of Service.

If you serve the Affidavit and Summons on the defendant by mail or commercial courier, you must complete and file the Certificate of Service form and attach the original signed receipt.

Print your name and contact information at the top of the first page. Check whether you are the plaintiff or the attorney for the plaintiff.

Complete the heading exactly as it appears in the Affidavit.

Print the name and address of each person served.

Check whether service was by mail or a commercial courier.

Print the date that the defendant signed the receipt.

Attach the original receipt.

Date and sign the form.

File the form and receipt within 10 days after service. If the form is not filed and the other party fails to appear at trial, the judge will not grant a default judgment.

TREMONTON JUSTICE COURT

102 S TREMONT ST * TREMONTON UT 84337 * 435-257-9509 * FAX 435-257-9513

_____) **AFFIDAVIT AND SUMMONS**

PLAINTIFF)

V.)

_____)
CASE NUMBER

_____)
DEFENDANT)
)

I swear that the following is true.

(1) Defendant owes me \$ _____ for the claim described in paragraph (2).

plus the filing fee of \$ _____

plus an estimated service fee of \$ _____

plus estimated attorney fees of \$ _____ (Attach statute or contract showing you are authorized to claim attorney fees.)

for a total of: \$ _____

plus prejudgment interest, if qualified for prejudgment interest.

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

(3) Defendant resides within the jurisdiction of the court.

The events happened within the jurisdiction of the 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.

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

SUMMONS

The State of Utah to the Defendant(s):

Defendant Name and Address

Defendant Name and Address

You are summoned to appear at trial to answer the above claim. The trial will be held at the court address shown above. **If you fail to appear, judgment may be entered against you for the total amount claimed.**

Date _____ Time _____ : _____ [] a.m. [] p.m.

Room _____

Notice to the Defendant. A small claims case has been filed against you. This imposes upon you certain rights and responsibilities. You may obtain small claims information and instructions at www.utcourts.gov/howto/

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

Date: _____

Sign here ► _____

Court Clerk _____

Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____

Sign here ► _____

Typed or printed name _____