SENATE BILL NO. 87

INTRODUCED BY B. BROWN BY REQUEST OF THE BOARD OF REALTY REGULATION

IN THE SENATE

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. JANUARY 25, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. JANUARY 26, 1991 PRINTING REPORT. SECOND READING, DO PASS. JANUARY 28, 1991 ENGROSSING REPORT. THIRD READING, PASSED. AYES, 47; NOES, 0. TRANSMITTED TO HOUSE. IN THE HOUSE JANUARY 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. JANUARY 29, 1991 FIRST READING. MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. MARCH 23, 1991 SECOND READING, CONCURRED IN. MARCH 25, 1991 THIRD READING, CONCURRED IN. AYES, 95; NOES, 0. RETURNED TO SENATE.

IN THE SENATE

MARCH 25, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	SENATE BILL NO. 87
2	INTRODUCED BY 1365 Brown
3	BY REQUEST OF THE BOARD OF REALTY REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN
6	INTERPLEADER ACTION IN A JUSTICE'S COURT SMALL CLAIMS
7	PROCEDURE; AMENDING SECTION 25-35-502, MCA; AND PROVIDING AN
8	APPLICABILITY DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 25-35-502, MCA, is amended to read:
12	"25-35-502. Jurisdiction. (1) The small claims court
13	has jurisdiction over all actions for the recovery of money
14	or specific personal property when the amount claimed does
15	not exceed \$2,500, exclusive of costs, and the defendant can
16	be served within the county where the action is commenced.
17	(2) The small claims court has jurisdiction over an
18	interpleader under [section 2] in which the amount claimed
19	does not exceed \$2,500."
20	NEW SECTION. Section 2. Interpleader actions. (1) As
21	used in this chapter, interpleader actions determine the
22	rights of rival claimants to a fund held by a disinterested
23	party and may be maintained in the small claims court when
24	any person appears before a justice of the peace and
25	executes an affidavit secting forth the nature and basis of

1	the claim.
2	(2) The person filing the interpleader affidavit shall
3	deposit the funds with the justice of the peace at the same
4	time the interpleader affidavit is filed.
5	(3) The interpleader must be substantially in the
6	following form:
7	In the Small Claims Division of the Justice's Court of
8	County, Montana before Justice of
9	the Peace.
10	
11	Plaintiff
12	vs.
13	, INTERPLEADER AFFIDAVIT
14	Defendant
15	and
16	,
17	Defendant
18	State of Montana)
19) ss
20)
21	being duly sworn, deposes and says:
22	That, a defendant, resides at
23	, a defendant, resides
24	at That the plaintiff has custody or

possession of money in the amount of \$...., held pursuant

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7

9 10

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15

16

1	to the following:
2	
3	
4	
5	
6	That the defendants claim or may claim to be entitled to the
7	money. That the plaintiff deposits into the court \$,
8	which represents the amount of money in dispute.
9	That the plaintiff resides at the address shown.
0	
11	Affiant
12	Subscribed and sworn to before me this day of
1.3	, 19
3 4	
15	Justice of the Peace
16	
17	Clerk
18	ORDER
19	The State of Montana to the within named defendants,
20	greeting:
21	You are hereby directed to appear and answer the within
2.2	and foregoing claim at my office in (name,
2.3	building, or residence), in, County of
2.4	
25	, 19, at the hour of(AM)(PM); and to have

needed by you to establish your claim to such money. 3 You are further notified that in case you do not so appear, judgment will be given against you as follows: 5 Determining or foreclosing your claim to above-described money, as well as the disposition thereof; and, in addition, for costs of the action. 8 Dated this day of 19..... ...,..... Justice of the Feace 11 12 Clerk 13 (4) The small claims court may order that court costs

with you then and there, all books, papers, and witnesses

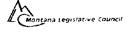
- be reimbursed from the interpleaded funds. The clerk shall disburse the interpleaded funds in accordance with the order of the justice of the peace.
- 17 NEW SECTION. Section 3. Codification instruction. (Section 2) is intended to be codified as an integral part 18 19 of Title 25, chapter 35, part 6, and the provisions of Title 20 25, chapter 35, part 6, apply to [section 2].
- NEW SECTION. Section 4. Applicability. [Section 2] 21 22 applies to actions arising on or after October 1, 1991.

- End-

APPROVED BY COMMITTEE ON JUDICIARY

1	SENATE BILL NO. 87
2	INTRODUCED BY B. BROWN
3	BY REQUEST OF THE BOARD OF REALTY REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDINGPORAN
6	INTERPLEADERACTION-IN-AJUSTICE'SCOURTSMALLCLAIMS
7	PROCEDURE; -AMENDING-SECTION-25-35-502; -MCA; -AND-PROVIDING-AN
8	APP6#6AB#6#TY-BATE: CLARIFYING THE JURISDICTION OF THE SMALL
9	CLAIMS DIVISION OF DISTRICT COURTS AND ALLOWING INTERPLEADER
10	ACTIONS TO BE FILED IN JUSTICES' COURTS AND IN THE SMALL
11	CLAIMS DIVISION OF JUSTICES' COURTS; AMENDING SECTIONS
12	25-34-106 AND 25-35-502, MCA; AND PROVIDING AN APPLICABILITY
13	DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	(Refer to Introduced Bill)
17	Strike everything after the enacting clause and insert:
18	Section 1. Section 25-34-106, MCA, is amended to read:
19	*25-34-106. Interpleader actions. (1) As used in this
20	chapter, interpleader actions determine the rights of rival
21	claimants to a fund held by a disinterested party and may be
22	maintained in the small claims court when any person appears
23	before a judge or clerk of court or-justice-of-the-peace and
24	executes an affidavit setting forth the nature and basis of
25	the claim.

-	(2) The person filling the interpreduct arrivavit shall
2	deposit the funds with the clerk of court or-justice-ofthe
3	peace at the same time the interpleader affidavit is filed.
4	(3) The interpleader must be substantially in the
5	following form:
6	In the Small Claims Court of the Judicial
7	District in and for the County of, State of
8	Montana.
9	,
10	Plaintiff
11	vs.
12	INTERPLEADER AFFIDAVIT
13	Defendant
14	and
15	•••••
16	Defendant
17	State of Montana)
18) s s
19	1
20	, bein; duly sworn, deposes and says:
21	That a defendant, resides at
22	namedcounty.
23	That, a defendant, resides at
24	intheabovenamedcounty. That the
25	plaintiff has custody or possession of money in the amount SECOND READING



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1	of \$, held pursuant to the following:	1	State of Montana, on the day of
2		2	, 19, at the hour of(AM)(PM); and to have
3	•••••	3	with you then and there, all books, papers, and witnesses
4	•••••	4	needed by you to establish your claim to such money.
5		5	You are further notified that in case you do not so
6	That the defendants claim or may claim to be entitled to the	6	appear, judgment will be given against you as follows:
7	money. That the plaintiff deposits into the court \$,	7	Determining or foreclosing your claim to the
8	which represents the amount of money in dispute.	8	above-described money, as well as the disposition thereof;
9	That the plaintiff resides at the address shown in-the	9	and, in addition, for costs of the action.
10	above-caption.	10	Dated this day of 19
11		11	
12	Affiant	12	dustice-of-the-Peace
13	Subscribed and sworn to before me this day of	13	District Judge
14	, 19	14	
15		15	Clerk"
16	Justice-of-the-Peace	16	NEW SECTION. Section 2. Interpleader actions. (1) As
17	District Judge	17	used in this chapter, interpleader actions determine the
18	• • • • • • • • • • • • • • • • • • • •	18	rights of rival claimants to a fund held by a disinterested
19	Clerk	19	party and may be maintained in the justice's court when any
20	ORDER	20	person appears before a justice of the peace and executes an
21	The State of Montana to the within named defendants,	21	affidavit setting forth the nature and basis of the claim.
22	greeting:	22	(2) The person filing the interpleader affidavit shall
23	You are hereby directed to appear and answer the within	23	deposit the funds with the justice of the peace at the same
24	and foregoing claim at my office in (name,	24	time the interpleader affidavit is filed.
25	building, or residence), in County of	25	(3) The interpleader must be substantially in the

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-3-

1	following form:	1	That the defendants claim or may claim to be entitled to the
2	In the Justice's Court of the State of Montana in and	2	money. That the plaintiff deposits into the court \$,
3	for the County of, before	3	which represents the amount of money in dispute.
4	Justice of the Peace.	4	That the plaintiff resides at the address shown.
5	,	5	
6	Plaintiff	6	Affiant
7	vs.	7	Subscribed and sworn to before me this day of
8	, INTERPLEADER AFFIDAVIT	8	, 19
9	Defendant	9	***************************************
10	and	10	Justice of the Peace
11		11	***************************************
12	Defendant	12	Clerk
13	State of Montana)	13	ORDER
14) ss	14	The State of Montana to the within named defendants,
15)	15	greeting:
16	being duly sworn, deposes and says:	16	You are hereby directed to appear and answer the within
17	That, a defendant, resides at	17	and foregoing claim at my office in (name,
18	, a defendant, resides	18	building, or residence), in County of
19	at That the plaintiff has custody or	19	State of Montana, on the day of
20	possession of money in the amount of \$, held pursuant	20	, 19, at the hour of(AM)(PM); and to have
21	to the following:	21	with you then and there, all books, papers, and witnesses
22		22	needed by you to establish your claim to such money.
23		23	You are further notified that in case you do not so
24		24	appear, judgment will be given against you as follows:
25		25	Determining or foreclosing your claim to the

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1	above-described money, as well as the disposition thereof;
2	and, in addition, for costs of the action.
3	Dated this day of, 19
4	
5	Justice of the Peace
6	••••••
7	Clerk
8	Section 3. Section 25-35-502, MCA, is amended to read:
9	"25-35-502. Jurisdiction. (1) The small claims court
10	has jurisdiction over all actions for the recovery of money
11	or specific personal property when the amount claimed does
12	not exceed \$2,500, exclusive of costs, and the defendant can
13	be served within the county where the action is commenced.
14	(2) The small claims court has jurisdiction over an
15	interpleader under [section 4] in which the amount claimed
16	does not exceed \$2,500."
17	NEW SECTION. Section 4. Interpleader actions. (1) As
18	used in this chapter, interpleader actions determine the
19	rights of rival claimants to a fund held by a disinterested
20	party and may be maintained in the small claims division of
21	the justice's court when any person appears before a justice
22	of the peace and executes an affidavit setting forth the
23	nature and basis of the claim.
24	(2) The person filing the interpleader affidavit shall
25	deposit the funds with the justice of the peace at the same

1	time the interpreder arridavit is illed.
2	(3) The interpleader must be substantially in the
3	following form:
4	In the Small Claims Division of the Justice's Court of
5	County, Montana before Justice of
6	the Peace.
7	,
8	Plaintiff
9	vs.
10	, INTERPLEADER AFFIDAVIT
11	Defendant
12	and
13	
14	Defendant
15	State of Montana }
16) ss
17	
18	, being duly sworn, deposes and says:
19	That, a defendant, resides at
20	, a defendant, resides
21	at That the plaintiff has custody or
22	possession of money in the amount of \$, held pursuant
23	to the following:
24	

25

1	***************************************
2	
3	That the defendants claim or may claim to be entitled to the
4	money. That the plaintiff deposits into the court \$,
5	which represents the amount of money in dispute.
6	That the plaintiff resides at the address shown.
7	••••••
8	Affiant
9	Subscribed and sworn to before me this day of
10	, 19
11	••••••
12	Justice of the Peace
13	••••••
14	Clerk
14 15	Clerk ORDER
15	ORDER
15 16	ORDER The State of Montana to the within named defendants,
15 16 17	ORDER The State of Montana to the within named defendants, greeting:
15 16 17 18	ORDER The State of Montana to the within named defendants, greeting: You are hereby directed to appear and answer the within
15 16 17 18	ORDER The State of Montana to the within named defendants, greeting: You are hereby directed to appear and answer the within and foregoing claim at my office in (name,
15 16 17 18 19	ORDER The State of Montana to the within named defendants, greeting: You are hereby directed to appear and answer the within and foregoing claim at my office in (name, building, or residence), in
15 16 17 18 19 20 21	ORDER The State of Montana to the within named defendants, greeting: You are hereby directed to appear and answer the within and foregoing claim at my office in (name, building, or residence), in
15 16 17 18 19 20 21	ORDER The State of Montana to the within named defendants, greeting: You are hereby directed to appear and answer the within and foregoing claim at my office in

1	appear, judgment will be given against you as follows:
2	Determining or foreclosing your claim to the
3	above-described money, as well as the disposition thereof;
4	and, in addition, for costs of the action.
5	Dated this day of
6	
7	Justice of the Peace
8	
9	Clerk
10	NEW SECTION. Section 5. Codification instruction. (1)
11	[Section 2] is intended to be codified as an integral part
12	of Title 25, chapter 31, part 1, and the provisions of Title
13	25, chapter 31, part 1, apply to [section 2].
14	(2) [Section 4] is intended to be codified as an
15	integral part of Title 25, chapter 35, part 5, and the
16	provisions of Title 25, chapter 35, part 5, apply to
17	[section 4].
18	NEW SECTION. Section 6. Applicability. [Sections 2 and
19	4) apply to actions arising on or after October 1, 1991.
	-End-

1

1	SENATE BILL NO. 87
2	INTRODUCED BY B. BROWN
3	BY REQUEST OF THE BOARD OF REALTY REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDINGFORAN
6	interpheaderactioninaJustice'scourtsmalbchaims
7	PROCEDURE; -AMENDING-SECTION-25-35-502; -MCA; -AND-PROVIDING-AN
8	APPLICABILITY-BATE: CLARIFYING THE JURISDICTION OF THE SMALL
9	CLAIMS DIVISION OF DISTRICT COURTS AND ALLOWING INTERPLEADER
10	ACTIONS TO BE FILED IN JUSTICES' COURTS AND IN THE SMALL
11	CLAIMS DIVISION OF JUSTICES' COURTS; AMENDING SECTIONS
12	25-34-106 AND 25-35-502, MCA; AND PROVIDING AN APPLICABILITY
13	DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	(Refer to Introduced Bill)
17	Strike everything after the enacting clause and insert:
18	Section 1. Section 25-34-106, MCA, is amended to read:
19	"25-34-106. Interpleader actions. (1) As used in this
20	chapter, interpleader actions determine the rights of rival
21	claimants to a fund held by a disinterested party and may be
22	maintained in the small claims court when any person appears
23	before a judge or clerk of court or-justice-of-the-peace and
24	executes an affidavit setting forth the nature and basis of
25	the claim.

2	deposit the funds with the clerk of court or-justice-ofthe
3	peace at the same time the interpleader affidavit is filed.
4	(3) The interpleader must be substantially in the
5	following form:
6	In the Small Claims Court of the Judicial
7	District in and for the County of State of
8	Montana.
9	
10	Plaintiff
11	vs.
12	INTERPLEADER AFFIDAVIT
13	Defendant
14	and
15	***************************************
16	Defendant
17	State of Montana)
18) ss
19)
20	being duly sworn, deposes and says:
21	That, a defendant, resides at
22	abovenamedcounty.
23	That a defendant, resides at
24	
25	plaintiff has custody or possession of money in the amount

(2) The person filing the interpleader affidavit shall

THIRD READING

1	of \$, held pursuant to the following:
2	
3	······
4	
5	
6	That the defendants claim or may claim to be entitled to the
7	money. That the plaintiff deposits into the court \$,
8	which represents the amount of money in dispute.
9	That the plaintiff resides at the address shown in-the
10	above-caption.
11	
12	Affiant
13	Subscribed and sworn to before me this day of
14	, 19
15	•••••
16	dustice-of-the-Peace
17	District Judge
18	•••••
19	Clerk
20	ORDER
21	The State of Montana to the within named defendants,
22	greeting:
23	You are hereby directed to appear and answer the within
24	and foregoing claim at my office in (name,
25	building, or residence), in County of

1	State of Montana, on the day of
2	, 19, at the hour of(AM)(PM); and to have
3	with you then and there, all books, papers, and witnesses
4	needed by you to establish your claim to such money.
5	You are further notified that in case you do not so
6	appear, judgment will be given against you as follows:
7	Determining or foreclosing your claim to the
8	above-described money, as well as the disposition thereof;
9	and, in addition, for costs of the action.
10	Dated this day of
11	
12	Justice-of-the-Peace
13	District Judge
14	***************************************
15	Clerk"
16	NEW SECTION. Section 2. Interpleader actions. (1) As
17	used in this chapter, interpleader actions determine the
18	rights of rival claimants to a fund held by a disinterested
19	party and may be maintained in the justice's court when any
20	person appears before a justice of the peace and executes an
21	affidavit setting forth the nature and basis of the claim.

(3) The interpleader must be substantially in the 25

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time the interpleader affidavit is filed.

(2) The person filing the interpleader affidavit shall deposit the funds with the justice of the peace at the same

21 22

23

24

1	following form:	1	That the defendants claim or may claim to be entitled to the
2	In the Justice's Court of the State of Montana in and	2	money. That the plaintiff deposits into the court \$,
3	for the County of, before	3	which represents the amount of money in dispute.
4	Justice of the Peace.	4	That the plaintiff resides at the address shown.
5	,	5	•••••
6	Plaintiff	6	Affiant
7	vs.	7	Subscribed and sworn to before me this day of
8	, INTERPLEADER AFFIDAVIT	8	19
9	Defendant	9	
10	and	10	Justice of the Peace
11		11	
12	Defendant	12	Clerk
13	State of Montana)	13	ORDER
14) ss	14	The State of Montana to the within named defendants,
15)	15	greeting:
16	being duly sworn, deposes and says:	16	You are hereby directed to appear and answer the within
17	That a defendant, resides at	17	and foregoing claim at my office in (name,
18	, a defendant, resides	18	building, or residence), in County of
19	at That the plaintiff has custody or	19	State of Montana, on the day of
20	possession of money in the amount of \$, held pursuant	20	, 19, at the hour of(AM)(PM); and to have
21	to the following:	21	with you then and there, all books, papers, and witnesses
22		22	needed by you to establish your claim to such money.
23		23	You are further notified that in case you do not so
24		24	appear, judgment will be given against you as follows:
25		25	Determining or foreclosing your claim to the

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1	above-described money, as well as the disposition thereof;
2	and, in addition, for costs of the action.
3	Dated this day of 19
4	••••••••••••••••••
5	Justice of the Peace
6	
7	Clerk
8	Section 3. Section 25-35-502, MCA, is amended to read:
9	"25-35-502. Jurisdiction. (1) The small claims court
10	has jurisdiction over all actions for the recovery of money
11	or specific personal property when the amount claimed does
12	not exceed \$2,500, exclusive of costs, and the defendant can
13	be served within the county where the action is commenced.
14	(2) The small claims court has jurisdiction over an
15	interpleader under [section 4] in which the amount claimed
16	does not exceed \$2,500."
17	NEW SECTION. Section 4. Interpleader actions. (1) As
18	used in this chapter, interpleader actions determine the
19	rights of rival claimants to a fund held by a disinterested
20	party and may be maintained in the small claims division of
21	the justice's court when any person appears before a justice
22	of the peace and executes an affidavit setting forth the
23	nature and basis of the claim.
24	(2) The person filing the interpleader affidavit shall
25	deposit the funds with the justice of the peace at the same

1	time the interpleader affidavit is filed.
2	(3) The interpleader must be substantially in the
3	following form:
4	In the Small Claims Division of the Justice's Court of
5	County, Montana before Justice of
6	the Peace.
7	
8	Plaintiff
9	vs.
10	INTERPLEADER AFFIDAVIT
11	Defendant
12	and
13	,
14	Defendant
15	State of Montana)
16) ss
17)
18	being duly sworn, deposes and says:
19	That, a defendant, resides at
20	, a defendant, resides
21	at That the plaintiff has custody or
22	possession of money in the amount of \$, held pursuant
23	to the following:
24	
25	

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1	***************************************
2	***************************************
3	That the defendants claim or may claim to be entitled to the
4	money. That the plaintiff deposits into the court \$,
5	which represents the amount of money in dispute.
6	That the plaintiff resides at the address shown.
7	•••••••••••••••••••••••••••••••••••••••
8	Affiant
9	Subscribed and sworn to before me this day of
10	, 19
11	•••••••••••
12	Justice of the Peace
13	***************************************
14	Clerk
15	ORDER
16	The State of Montana to the within named defendants,
17	greeting:
18	You are hereby directed to appear and answer the within
19	and foregoing claim at my office in (name,
20	building, or residence), in County of
21	State of Montana, on the day of
22	, 19, at the hour of(AM)(PM); and to have
23	with you then and there, all books, papers, and witnesses
24	needed by you to establish your claim to such money.
25	You are further notified that in case you do not so

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1	appear, judgment will be given against you as follows:
2	Determining or foreclosing your claim to the
3	above-described money, as well as the disposition thereof;
4	and, in addition, for costs of the action.
5	Dated this day of, 19
6	***************************************
7	Justice of the Peace
8	
9	Clerk
10	NEW SECTION. Section 5. Codification instruction. (1)
11	[Section 2] is intended to be codified as an integral part
12	of Title 25, chapter 31, part 1, and the provisions of Title
13	25, chapter 31, part 1, apply to [section 2].
14	(2) [Section 4] is intended to be codified as an
15	integral part of Title 25, chapter 35, part 5, and the
16	provisions of Title 25, chapter 35, part 5, apply to
17	[section 4].
18	NEW SECTION. Section 6. Applicability. [Sections 2 and
19	4) apply to actions arising on or after October 1, 1991.
	-End-

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1	SENATE BILL NO. 87
2	INTRODUCED BY B. BROWN
3	BY REQUEST OF THE HOARD OF REALTY REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN
6	interpleaderactioninajustice-scourtsmallclaims
7	PROCEDURE; -AMENDING-SBCTION-25-35-502; -MCA; -AND-PROVIDING-AN
8	APPHEABILITY-BATE: CLARIFYING THE JURISDICTION OF THE SMALL
9	CLAIMS DIVISION OF DISTRICT COURTS AND ALLOWING INTERPLEADER
0	ACTIONS TO BE FILED IN JUSTICES' COURTS AND IN THE SMALL
11	CLAIMS DIVISION OF JUSTICES' COURTS; AMENDING SECTIONS
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	(Refer to Introduced Bill)
17	Strike everything after the enacting clause and insert:
18	Section 1. Section 25-34-106, MCA, is amended to read:
19	*25-34-106. Interpleader actions. (1) As used in this
20	chapter, interpleader actions determine the rights of rival
21	claimants to a fund held by a disinterested party and may be
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25	the claim.

2	deposit the funds with the clerk of court or-justice-ofthe
3	peace at the same time the interpleader affidavit is filed.
4	(3) The interpleader must be substantially in the
5	following form:
6	In the Small Claims Court of the Judicial
7	District in and for the County of State of
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9	•••••
10	Plaintiff
11	vs.
12	INTERPLEADER APPIDAVIT
13	Defendant
14	and
15	***************************************
16	Defendant
17	State of Montana)
18) ss
19)
20	being duly sworn, deposes and says:
21	That a defendant, resides at
22	namedcounty.
23	That a defendant, resides at
24	
2 5	plaintiff has custody or possession of money in the amount REFERENCE RIII

(2) The person filing the interpleader affidavit shall

1	of \$, held pursuant to the following:	1	
2	•••••	2	
3		3	with you then a
4		4	needed by you
5	.,,.,	5	You are
6	That the defendants claim or may claim to be entitled to the	6	appear, judgme
7	money. That the plaintiff deposits into the court \$,	7	Determinin
8	which represents the amount of money in dispute.	8	above-describe
9	That the plaintiff resides at the address shown in-the	9	and, in addition
10	above-caption.	10	Dated this
11	***************************************	11	
12	Affiant	12	
13	Subscribed and sworn to before me this day of	13	
14	, 19	14	
15	***************************************	15	
16	Justice-of-the-Peace	16	NEW SECTIO
17	District Judge	17	used in this c
18		18	rights of riv
19	Clerk	19	party and may
20	ORDER	20	person appears
21	The State of Montana to the within named defendants,	21	affidavit sett
22	greeting:	22	(2) The
23	You are hereby directed to appear and answer the within	23	deposit the fu
24	and foregoing claim at my office in (name,	24	time the inter
25	building, or residence), in County of	25	(3) The

NEW SECTION. Section 2. Interpleader actions. (1) As used in this chapter, interpleader actions determine the rights of rival claimants to a fund held by a disinterested party and may be maintained in the justice's court when any person appears before a justice of the peace and executes an affidavit setting forth the nature and basis of the claim.

- (2) The person filing the interpleader affidavit shall deposit the funds with the justice of the peace at the same time the interpleader affidavit is filed.
 - (3) The interpleader must be substantially in the

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1	following form:	1	That the defendants claim or may claim to be entitled to the
2	In the Justice's Court of the State of Montana in and	2	money. That the plaintiff deposits into the court \$,
3	for the County of, before	3	which represents the amount of money in dispute.
4	Justice of the Peace.	4	That the plaintiff resides at the address shown.
5		5	
6	Plaintiff	6	Affiant
7	vs.	7	Subscribed and sworn to before me this day of
8	INTERPLEADER AFFIDAVIT	8	, 19
9	Defendant	9	
10	and	10	Justice of the Peace
11	,	11	••••••
12	Defendant	12	Clerk
13	State of Montana)	13	ORDER
14) ss	14	The State of Montana to the within named defendants,
15)	15	greeting:
16	being duly sworn, deposes and says:	16	You are hereby directed to appear and answer the within
17	That a defendant, resides at	17	and foregoing claim at my office in (name,
18	, a defendant, resides	18	building, or residence), in County of
19	at That the plaintiff has custody or	19	State of Montana, on the day of
20	possession of money in the amount of \$, held pursuant	20	
21	to the following:	21	with you then and there, all books, papers, and witnesses
22		22	needed by you to establish your claim to such money.
23		23	You are further notified that in case you do not so
24		24	appear, judgment will be given against you as follows:
25		25	Determining or foreclosing your claim to the

1	above-described money, as well as the disposition thereof;
2	and, in addition, for costs of the action.
3	Dated this day of, 19
4	••••••
5	Justice of the Peace
6	***************************************
7	Clerk
8	Section 3. Section 25-35-502, MCA, is amended to read:
9	*25-35-502. Jurisdiction. (1) The small claims court
10	has jurisdiction over all actions for the recovery of money
11	or specific personal property when the amount claimed does
12	not exceed \$2,500, exclusive of costs, and the defendant can
13	be served within the county where the action is commenced.
14	(2) The small claims court has jurisdiction over an
15	interpleader under [section 4] in which the amount claimed
16	does not exceed \$2,500."
17	NEW SECTION. Section 4. Interpleader actions. (1) As
18	used in this chapter, interpleader actions determine the
19	rights of rival claimants to a fund held by a disinterested
20	party and may be maintained in the small claims division of
21	the justice's court when any person appears before a justice
22	of the peace and executes an affidavit setting forth the
23	nature and basis of the claim.
24	(2) The person filing the interpleader affidavit shall
25	deposit the funds with the justice of the peace at the same

1	time the interpleader affidavit is filed.
2	(3) The interpleader must be substantially in the
3	following form:
4	In the Small Claims Division of the Justice's Court of
5	County, Montana before Justice of
6	the Peace.
7	,
8	Plaintiff
9	vs.
10	INTERPLEADER AFFIDAVIT
11	Defendant
12	and
13	,
14	Defendant
15	State of Montana)
16) ss
17)
18	being duly sworn, deposes and says:
19	That, a defendant, resides at
20	, a defendant, resides
21	at That the plaintiff has custody or
22	possession of money in the amount of \$, held pursuant
23	to the following:
24	

25

1	•••••••••••••••••••••••••••••••••••••••
2	•••••••••••••••••••••••••••••••••••••••
3	That the defendants claim or may claim to be entitled to the
4	money. That the plaintiff deposits into the court \$,
5	which represents the amount of money in dispute.
6	That the plaintiff resides at the address shown.
7	••••••••••••
В	Affiant
9	Subscribed and sworn to before me this day of
10	, 19
11	••••••
12	Justice of the Peace
13	***************************************
14	Clerk
15	ORDER
16	The State of Montana to the within named defendants,
17	greeting:
18	You are hereby directed to appear and answer the within
19	and foregoing claim at my office in (name,
20	building, or residence), in, County of
21	State of Montana, on the day of
22	, 19, at the hour of(AM)(PM); and to have
23	with you then and there, all books, papers, and witnesses
24	needed by you to establish your claim to such money.
25	You are further notified that in case you do not so

1	appear, judgment will be given against you as follows:
2	Determining or foreclosing your claim to the
3	above-described money, as well as the disposition thereof;
4	and, in addition, for costs of the action.
5	Dated this day of, 19
6	••••••
7	Justice of the Peace
8	••••••
9	Clerk
10	NEW SECTION. Section 5. Codification instruction. (1)
11	[Section 2] is intended to be codified as an integral part
12	of Title 25, chapter 31, part 1, and the provisions of Title
13	25, chapter 31, part 1, apply to [section 2].
14	(2) [Section 4] is intended to be codified as an
15	integral part of Title 25, chapter 35, part 5, and the
16	provisions of Title 25, chapter 35, part 5, apply to
17	[section 4].
18	NEW SECTION. Section 6. Applicability. [Sections 2 and
19	4) apply to actions arising on or after October 1, 1991.
	~End~