**IN THE SMALL CLAIMS DIVISION OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

*(Justice Court, Justice Court of Record),*

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, STATE OF MONTANA**

*(County)*

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Plaintiff.  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Defendant. | **Case No:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COMPLAINT/ **ORDER AND NOTICE**  **TO DEFENDANT** |

The Plaintiff, being first duly sworn, upon oath, complains and alleges that Defendant is:

indebted to Plaintiff in the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and/or

return of specific property \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

which sum or specific property is now due, owing, and unpaid/unreturned despite demands for the payment of the sum, together with Plaintiff’s costs expended in this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plaintiff’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address/Phone Number

\* \* \* \* \* \*

You are hereby directed to appear and answer the above complaint in the above named Justice’s Court on:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_ at \_:\_ \_\_M. Reset for

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at : M. Reset for

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at : M. Reset for

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at : M.

and to have with you, all books, papers, and witnesses needed by you to establish your defense to the claim. You are further notified that in case you DO NOT APPEAR, JUDGMENT WILL BE TAKEN AGAINST YOU BY DEFAULT for the relief demanded in the complaint and for costs of this action, including costs of service of the complaint and Order of the Court and Notice to Defendant.

**YOU ARE HEREBY FURTHER NOTIFIED THAT, WITHIN TEN (10) DAYS OF SERVICE UPON YOU OF THIS COMPLAINT; AND ORDER, YOU MAY REMOVE THIS ACTION FROM THE SMALL CLAIMS COURT TO JUSTICE CIVIL COURT, AND THAT YOUR FAILURE TO REMOVE SHALL CONSTITUTE A WAIVER OF YOUR RIGHTS TO TRIAL BY JURY AND TO REPRESENTATION BY COUNSEL.**

Dated this \_ day of , 20 .

By: By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Justice of the Peace Clerk, Small Claims Division

STATE OF MONTANA )

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

I HEREBY CERTIFY THAT I received the within Order of Court and Notice to Defendant on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_, and personally served the same on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_, upon

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a copy of said Order of Court and Notice to Defendant, and a copy of the Complaint referred to in the Order of Court and Notice to Defendant.

Dated this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_.

Service $ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Copy $ \_\_\_\_\_\_\_\_\_\_\_\_\_ Sheriff/Constable

Mileage $ \_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOTAL $ \_\_\_\_\_\_\_\_\_\_\_\_\_ Deputy Sheriff