INSTRUCTIONS FOR FILING A SMALL CLAIMS COMPLAINT

In order to file a Small Claims Complaint the amount needs to be $7000 or less and the Defendant must be served within Flathead County, Montana, per MCA 25-35-502

1. You have received a packet that contains the following documents:
    a. Small Claims Complaint (2 pages)
    b. Praecipe for Service
    c. List of Process Servers
2. Please follow the directions below for completing the above-referenced forms in order to properly file your Complaint.

3. **COMPLAINT (original and copy for you and copy for each defendant)**
    a. You are the Plaintiff, print or type your name or the name of your business
    b. The person you are suing is the Defendant, print or type the name of the person
    c. Fill out the amount you are suing for and the reason you are owed this debt
    d. Complete Plaintiff area with phone number, email, print name and provide mailing address. **Do not sign the document until you are in front of the court clerk or a notary.**
    e. Complete Defendant area in the bottom left hand corner with addresses and phone number

4. **PRAECIPE FOR SERVICE (original) This will be given to the Process Server in order to help them locate and serve the Defendant(s)**
    a. Print your name under Plaintiff (should be the same as is on the Complaint)
    b. Print the name of the Defendant (should be the same as is on the Complaint)
    c. Indicate what Process Server you would like to serve your Complaint (list is attached)
    d. Select Summons and Complaint
    e. Print the defendant's home address, work address or any other place they can be located and served
    f. Sign and date this document
    g. Complete the Plaintiff area with address and phone number information

5. A $30 filing fee must accompany the Complaint. Payment must be Cash, check or money order made out to Justice Court. Credit cards are not accepted.

COMPLAINT AND ORDER
IN THE SMALL CLAIMS DIVISION,
FLATHEAD COUNTY, MONTANA
JUSTICE COURT

Plaintiff: Please call 758-5643, ask for Small Claims Clerk, the day before trial date.

_____,

_____,
Plaintiff(s)

V.

_____,

_____,
Defendant(s)

Docket No. SM#_____

Judge_____

COMPLAINT

STATE OF MONTANA, COUNTY OF FLATHEAD

The Plaintiff, being first duly sworn, upon oath, and complains and alleges that the defendant(s) is (are) indebted to the plaintiff in the sum of $_____ and that the basis of the debt is:_____

_____

which sum is now due, owing and unpaid despite demands for the payment and said sum; that the defendant(s) refused to pay the same and no part thereof has been paid, together with plaintiff's costs of this lawsuit.

That the obligation sued on arose in the above-named County and that the commencement of action defendant can be served in the above-named County; I declare under penalty of perjury that the foregoing in true and correct.

_____
Phone Number

_____
Email Address

Subscribed and Sworn to before me

Dated this _____day of _____ 20_____

_____
Plaintiff's Signature

_____
Plaintiff's Printed Name

_____
Clerk, Justice Court, Flathead County, Montana

_____
Plaintiff's Mailing Address, City, State, Zip

ORDER OF THE COURT/NOTICE TO DEFENDANT

THE STATE OF MONTANA, to the above-named defendant(s): You are hereby ordered to appear and answer the above complaint, in the above entitled court at:

THE FLATHEAD COUNTY JUSTICE CENTER, 920 S. MAIN, KALISPELL, MONTANA

on_____, at_____M.

reset for_____, at_____M.

reset for_____, at_____M.

You are hereby further notified that, within 10 days of service upon you of this Complaint and Order, you may remove this action from the small claims court to Justice Court, and that failure to remove shall constitute a waiver of your rights to trial by a jury and to representation by counsel.

The Defendant may assert a counterclaim against the Plaintiff by appearing at Justice Court and executing a sworn small claims counterclaim. This counterclaim must be served on the Plaintiff not less than 72 hours before the date set for hearing.

You must bring with you all books, papers, and witnesses needed to establish any defense to said 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 the action, including costs of service of the Complaint and Order upon you.

To the Sheriff, Constable or Server of said county, greetings.
Make Legal Service and return to the Court.

_____
Defendant's Physical Address, City, State, Zip

_____
Justice of the Peace

_____
Defendant's Mailing Address/Phone

By_____
Clerk of Small Claims Division

CERTIFICATE OF PERSONAL SERVICE

State of Montana, County of Flathead

I, the undersigned, declare: I was, at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to the within-entitled action; I served the within Complaint and Order in the above-entitled action by delivering to and leaving with the person or persons personally hereinafter named, a copy thereof, at the address and on the date set forth opposite each name of said person or persons, in the County of Flathead, State of Montana, to wit:

Name of Person Served	Street Address and City Where Served	Date of Service

Fee for Service $ _____ Mileage $ _____ Total $ _____

I declare under penalty of perjury that the foregoing is true and correct.

_____
Signature of person who performed service

INFORMATION FOR DEFENDANTS IN SMALL CLAIMS ACTIONS

1. When you have been served with an order of the court to appear for trial in an action against you in the small claims court of Flathead County, you may, if you do not wish to contest the plaintiff's claim:

    a. Make an out-of-court settlement with the plaintiff before the date set for trial, and file the plaintiff's dismissal with the clerk of the court, or
    b. Make no appearance at the trial, in which case the plaintiff may be given a judgment by default for the amount claimed, plus costs.

2. If you wish to contest the claim against you, you must appear on the date set for trial with all books, papers, and witnesses needed to establish your defense. A trial fee will be charged by the court. At your request, the clerk will issue subpoenas for the appearance of any witnesses you may need.

3. You are entitled to be served with this "Complaint and Order" at least 5 days before the trial date. If less than 5 days remain when you are served, you may:
    a. Appear in court and request a continuance of not less than 10 days, nor more than 20 days, or
    b. Appear in court, waive your statutory right to such service, and proceed with the trial.

4. If the plaintiff recovers a judgment you must make arrangements with the plaintiff to pay it. Payments should be made directly to the plaintiff and not to the clerk. When the judgment has been paid in full, you are entitled to receive from the plaintiff a "Satisfaction of Judgment". This form may be obtained from the clerk, and after being signed by party who was paid in full, it should be filed with the clerk as a matter of record.

5. If you are dissatisfied with the judgment, you may, within 10 days after the date entry of the judgment, appeal the court's decision. See the clerk for procedure on appeal.

COURT NOTATIONS CONTINUED:

IN THE JUSTICE COURT
FLATHEAD COUNTY, MONTANA

_____,

_____,
Plaintiff(s)

V.

_____,

_____,
Defendant(s)

PRAECIPE FOR SERVICE

Docket No._____

TO: _____

(Name of Process Server or Law Enforcement Agency)

Attached or enclosed for service are the following documents. Please serve a copy of the attached documents on the defendant(s). Upon service, return any original Order or Summons, along with your Affidavit or Certificate of Service, to the undersigned at the address provided.
The following are attached for service: **(Indicate which documents are attached)**

- ☐ Summons and Complaint
- ☐ Summons and Complaint for Possession
- ☐ Writ of Execution
- ☐ Writ of Possession
- ☐ Order for Debtor's Examination
- ☐ Other:_____

_____
(Defendant(s) Physical Address and Phone Number)

_____
(Defendant(s) Work Address and Phone Number)

_____
(Other Places where Defendant(s) may be located for service)

Dated this ____ day of _____, 20 ____.

_____
Plaintiff(s) Signature

_____
Plaintiff(s) Address

_____
City, State, Zip Code

_____
Plaintiff(s) E Mail Address

_____
Plaintiff(s) Telephone Number

Business Name	Phone Number	Process Server	Levy Officer	Fee
ALERT SECURITY & INVESTIGATIONS PO Box 2562, Kalispell, MT 59903	**406-756-1390** **406-755-1480**	**X**	**X**	**Contact for fees**
BROCK WILSON 726 Karrow Ave, Whitefish, MT 59937	**406-261-0875**	**X**		**$70 + $0.60/mile**
COGBURN ENTERPRISES, LLC - Kathy Wilson 445 S. Main, Suite 202, Kalispell, MT 59901	**406-471-3341**	**X**		**$45 + $0.56/mile**
EQUITY MANAGEMENT, INC PO Box 4906, Missoula, MT 59806 serve@equityprocess.com	**406-721-3337**	**X**	**X**	**Contact for fees**
FLATHEAD COUNTY SHERIFF 920 S. Main St., Kalispell, MT 59901	**406-758-5585**	**X**	**X**	**$90/Person**
LARC ENTERPRISES, LLC PO BOX 336, Somers, MT 59932	**406-257-5272**	**X**	**X**	**Flat Rate - Flathead County** **$65 - Unlimited - No mileage**
NORDIC INVESTIGATIONS - Joe Schussler PO BOX 786, Kalispell, MT 59903	**406-249-0010**	**X**	**X**	**Local: $70 (3 attempts)** **Call for details**
SCOTT DAVIS 448 5th Ave W, Kalispell, MT 59901	**406-212-8439**	**X**		**$45 per case** **+$0.55 per mile**
SPEEDY SERVICES - Dave Kauffman PO Box 91, Whitefish, MT 59937	**406-250-5779**	**X**		**Contact for fees**
WILLIAMS INVESTIGATIONS PO Box 5273, Kalispell, MT 59903 (Statewide) clint@servingmt.com	**406-442-2621** **406-407-5100**	**X**	**X**	**Contact for fees**

**Please call the above business for up-to-date information as fees are subject to change.*