

Checklist for 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.
- Do not check the “jury demand” box. Jury trials are not authorized in small claims cases.
- The amount of damages you are claiming determines the filing fee. Check the correct filing fee in the “Small Claims” section.
- Page 2 does not apply.

(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.
- Check whether you are filing in district court or justice court and print the county and judicial district. Print the court address.
- 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 judicial services representative 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. 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 a judicial services representative.
- Summons. Leave blank. The judicial services representative 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). Depending on the circumstances this may be the justice court or the district court.
- Judicial Districts 1, 5, 6, 7, 8. If the defendant resides or the claim arose within a municipality and if the municipality has a justice court, file the case in the municipal justice court. If the municipality has no justice court, file the case in the county justice court. If the defendant resides or the claim arose in the unincorporated county, file the case in the county justice court. If there is no municipal or county justice court, file the case in the district court. If there is more than one district court in the county, file the case in any of them. Contact the judicial services representative to see whether there are restrictions.
- Judicial Districts 2, 3, 4. At the option of the plaintiff, file the case in any district court or justice court of the county or municipality in which the defendant resides or the claim arose. Contact the judicial services representative to see whether there are restrictions.

(4) To serve the Affidavit and Summons

The judicial services representative 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.

(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.

COVER SHEET FOR CIVIL FILING ACTIONS

Party Identification (Attach additional sheets as necessary)

PLAINTIFF/PETITIONER

Name

Address

ATTY FOR PLAINTIFF/PETITIONER

Name

Bar # _____

Address

PLAINTIFF/PETITIONER

Name

Address

ATTY FOR PLAINTIFF/PETITIONER

Name

Bar # _____

Address

DEFENDANT/RESPONDENT

Name

Address

ATTY FOR PLAINTIFF/PETITIONER

Name

Bar # _____

Address

DEFENDANT/RESPONDENT

Name

Address

ATTY FOR PLAINTIFF/PETITIONER

Name

Bar # _____

Address

TOTAL CLAIM FOR DAMAGES
(AMOUNT IN CONTROVERSY)

\$ _____

JURY DEMAND

Yes No

SCHEDULE OF FEES: §78A-2-301. CHECK ANY THAT APPLY.

-----Small Claims-----

\$60 Small Claims: \$2000 or less

\$100 Small Claims: \$2001 - \$7499

\$185 Small Claims: \$7500 - \$10,000

\$50 Counterclaim: \$2000 or less

\$70 Counterclaim: \$2001 - \$7499

\$120 Counterclaim: \$7500 - \$10,000

-----Misc. Fees-----

Filing Garnishment: \$50.00

**Filing Appeal: \$225.00 plus an additional \$10.00
to the Justice Court.**

MILITARY SERVICE STATUS REQUIREMENTS

This information applies to ALL plaintiffs. Your failure to read and follow these instructions may impact your ability to receive a judgment and collect any amounts that you believe are due. PLEASE READ CAREFULLY.

In order for this Court to enter a DEFAULT judgment against your defendant it is your burden to prove to the judge that the defendant is not on ACTIVE duty with any branch of the US armed forces. If a judge is not convinced, you will not receive your judgment.

For each Defendant for which you wish to receive a DEFAULT judgment you must submit the completed form "Military Service Affidavit and Order" which has been signed and notarized, and include any additional evidence that you believe supports your position regarding the military status of your defendant.

The information that you choose to use is up to you. Some sources are more reliable than others. Your own personal knowledge may be used. You also may consider other evidence that you have beyond your own word. However, in the end it is up to the judge to decide.

The US Government has provided a tool to help you in your task. You can go to the Department of Defense Manpower Data Center website, enter all of the information that you have, and receive a certificate. (<https://www.dmdc.osd.mil/appj/scra/scraHome.do>) This certificate is the PREFERRED evidence, and should be included with your Military Service Affidavit and Order. Failure to include the results of this search will have a negative impact on your ability to prove that the defendant is not in the military.

IF YOU KNOWINGLY MAKE A FALSE CLAIM ABOUT A PARTY'S MILITARY SERVICE, YOU CAN BE FINED, IMPRISONED, OR BOTH.

SUNSET CITY JUSTICE COURT
200 W 1300 N, SUNSET UTAH 84015
801-825-3303

Plaintiff,

Name

Agent & Title

Address

City, State, Zip

Phone

VS.

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

SMALL CLAIMS AFFIDAVIT
AND ORDER

DOCKET # _____

AFFIDAVIT

I swear the following is true:

- (1) Defendant owes me \$ _____ for the claim described in paragraph (2).
Plus the court filing fee \$ _____
Plus an estimated service fee of \$ _____
For a total of \$ _____
- (2) This claim arose on _____ for: _____

- (3) Defendant resides or the claim arose within the jurisdiction of this court.

Plaintiff: _____

By: _____

(Agent's name and title, if appropriate)

SUBSCRIBED and SWORN to before me on _____, 20____

Clerk, Deputy or Notary

SUMMONS

THE STATE OF UTAH TO THE DEFENDANT: You are directed to appear at a trial and answer the above claim:

Date _____ at (time) _____

200 W 1300 N, SUNSET, UT

If you fail to appear at the trial, judgment may be entered against you for the amount listed above.

Date

Clerk or Deputy

NOTICE TO DEFENDANT: A small claims case has been filed against you. This imposes upon you certain rights and responsibilities. If you need information, you may obtain a small claims information and instruction manual from the clerk of the court for a fee or you may obtain it free at: www.utcourts.gov

ADA NOTICE: If you need special accommodations (including communication aids and services) during this proceeding contact the clerks' office at (801)825-3303 at least three days before the proceeding.

SUNSET CITY JUSTICE COURT
200 W 1300 N, SUNSET UTAH 84015
801-825-3303

Plaintiff,

Name

Agent & Title

Address

City, State, Zip

Phone

VS.

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

PROOF OF SERVICE

DOCKET # _____

PROOF OF SERVICE OF AFFIDAVIT

[] I certify that I mailed the affidavit to the Defendant. The original document acknowledging receipt, signed by [] Defendant [] Defendant's agent, whose name and title are _____, is attached to this form.

PROOF OF SERVICE OF OTHER PAPERS

[] I certify that I mailed a copy of _____ to:
[] Plaintiff [] Defendant on (date) _____ at the following address:

Date

Party's or Agent's Signature

SUNSET CITY

200 W. 1300 N.

Sunset, Utah 84015

State of Utah)

County of Davis)

AFFIDAVIT OF SERVICE

Case Number _____

I hereby make return of service and certify:

1. I am a Duly Qualified and Acting peace officer, or am a person over the age of 18 years and am not a party to this action.
2. I received the annexed small claims affidavit and order on _____.
3. I served _____ a true and correct copy by:
() Delivering said copy to said individual personally at

() Leaving said copy with _____, a person of suitable age and discretion at the usual place of abode of the defendant and whose relationship to the defendant is _____, to whom I showed the original.
4. Upon serving the same, I endorsed the date and place of service and my name on the copy served.

Date Served: _____

Signature of Service

Attempts made: _____

Service Fee: _____

Official title

Mileage Fee: _____

No. Miles Traveled: _____

Total: _____

SUNSET CITY JUSTICE COURT
200 W 1300 N, SUNSET UTAH 84015
801-825-3303

Plaintiff,

Name

Agent & Title

Address

City, State, Zip

Phone

VS.

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

Defendant,

Name

Agent & Title

Address

City, State, Zip

Phone

SMALL CLAIMS JUDGMENT

DOCKET # _____

Date of Trial: _____

Parties Appearing: Plaintiff
 Defendant _____
 Defendant _____

THE COURT ORDERS JUDGMENT AS FOLLOWS:

1) ON THE PLAINTIFF'S CLAIM:

A. FOR THE PLAINTIFF

\$ _____ Principal (including any allowable pre-judgment interest and fees)

\$ _____ Court Costs

\$ _____ Total Judgment, at _____ percent per year interest (the current state post-judgment rate). **OR**
 _____ percent per year interest (pursuant to the contract between parties).

B. FOR THE DEFENDANT: No Cause of Action Dismissal with Prejudice Dismissal without Prejudice
This judgment is effective for 8 years.

2) ON THE DEFENDANT'S COUNTER-CLAIM:

A. FOR THE DEFENDANT

\$ _____ Principal (including any allowable pre-judgment interest and fees)

\$ _____ Court Costs

\$ _____ Total Judgment, at _____ percent per year interest (the current state post-judgment rate). **OR**
 _____ percent per year interest (pursuant to the contract between parties).

B. FOR THE PLAINTIFF: No Cause of Action Dismissal with Prejudice Dismissal without Prejudice

3) THE COURT FURTHER ORDERS: _____

Date

Judge's Signature

NOTICE OF JUDGMENT

I certify that I mailed delivered a copy of this Judgment to Plaintiff Defendant at the address on file with the court.

Date
sc3/Sept,2010

Clerk / Plaintiff