

Civil Complaints vs. Small Claims

Civil Court

\$50 Filing Fee

Can be filed anytime

Suggest demand letter

Answer Fee – \$30 per each defendant (copy must be mailed to Plaintiff by Defendant)

Counterclaim – no charge
(copy mailed to Plaintiff by Defendant)

\$20 Judgment Fee from prevailing party
(recoverable)

Preprinted forms

May file in person or via mail with proper fees
(e-mail or fax is not a proper filing)

Money/Value limit – \$12,000.00 plus incurred fees

Service of Summons

May file eviction/Action for Possession cases

Attorney may be required – see Rule 2, 4, and 7
MJCCRPC

Defendant may live anywhere in Montana

20 day response period; 10 days on Action for Possession Cases. Mediation set if Answer filed within 14 days

Default Judgment may be granted without Pre-Trial if no answer submitted within 20 days; 10 days on Action for Possessions

Judgment – Same effect in either court

Execution Procedures – same

Appeal or Transfer - \$20 transfer fee payable to Justice Court; must appeal within 30 days from signed judgment date.

Small Claims Court

\$30 Filing Fee

Must initiate with certified demand letter

Wait time – 10 days after mailing certified demand letter before filing

\$20 Appearance fee paid by Defendant on the day of trial or before

Counterclaim – \$20 fee
(must be served by Sheriff or Process Server to Plaintiff)

No Judgment Fee

Preprinted forms

Must file in PERSON – Plaintiff must be Sworn to Complaint

Money/Value limit – \$7,000.00 plus incurred fees

Service of Order

CANNOT file real estate eviction cases (Action for Possession)

No Attorney unless ALL parties are represented by an attorney

Defendant MUST live in county or must be able to be served in the county

Required hearing set within 40 days of the issuance of court order setting trail

Default Judgment may be granted at time of trail

Judgment – Same effect in either court

Execution Procedures – same

Appeal - matters of law only must be appealed within 10 days of signed judgment date