

CIVIL INSTRUCTIONS
MAKE SURE THAT YOU READ THESE CAREFULLY
CLERKS CANNOT HELP YOU FILL OUT THE PAPERS!!!

- A. The Defendant must appear and either agree that he/she does owe the amount and make arrangements to pay it or the Defendant may deny the amount requested, either way, the Defendant must file an Answer. Any and all payments should be made directly to the Plaintiff. No payments are to come through the Court
- B. **To file an Answer, the Defendant must state, on a provided form the reasons why he/she feels that they do not owe the amount and must deliver a copy to the Plaintiff. The cost for filing an answer is thirty (\$30.00) dollars per Defendant. If the Defendant admits that they owe the amount, they must still pay the \$30.00 fee. The Defendant is also responsible to pay all costs by the Plaintiff if they are admitting that they owe the money.**
- C. The Certificate of Service, on the bottom of the Answer form, **MUST** be filled out, and a copy **MUST** be mailed to the Plaintiff.
- D. If the Defendant denies owing the claim, the matter is set for a Pre-trial Conference. Both parties will be notified of the date and time and both **MUST** appear. The parties will meet together and try to settle the matter at that time. If the parties are unable to settle the matter it will be set for trial at a later date. Notice of trial will be given at the Pre-trial Conference. If the Plaintiff fails to appear the suit will be dismissed with prejudice. If the Defendant fails to appear, judgment will be given against Defendant.
- E. In the event that you are **counterclaiming** against the Plaintiff. Use the same sheet as the answer form and briefly state that you are counterclaiming, and for what amount. Counterclaims **must be served** by the sheriff or a process server. The plaintiff has 20 calendar days to answer the counterclaim. Ask the clerk for a Counterclaim Summons so you can fill this out to go along with the Answer and Counterclaim. If you counterclaim for an amount above the jurisdiction of the court (\$15,000) the counterclaim will be dismissed without prejudice.
- F. In the event that the Defendant does not answer the summons and complaint after the twenty (20) calendar days, or five (5) business days in a Landlord/Tenant, he/she is in default. The Plaintiff must appear and certify, under oath and in writing that the defendant is responsible for the amount owed.
- G. After the party receives judgment, the amount is due and payable upon demand. If the party cannot collect the debt he may request the court to issue an order of execution. The Sheriff may be directed to seize bank accounts, attach wages, or anything the debtor owns free of liens. Items seized will be subject to sale by the Sheriff. Judgments are good for a period of Ten (10) years.

IN THE JUSTICE COURT, CITY OF LIVINGSTON
COUNTY OF PARK, STATE OF MONTANA
BEFORE CLAY HERBST, JUSTICE OF THE PEACE

Plaintiff(s)

VS

ANSWER & COUNTERCLAIM

Case No: CV-_____

Defendant(s)

COME(S) NOW, the Defendant(s), _____
in the complaint does answer as follows:

WHEREFORE, Defendant(s) is counterclaiming for relief against the Plaintiff and requests
judgment against Plaintiff(s) on their Counterclaim as follows: _____

Counterclaim for a total of \$ _____.

Date

Defendant's Signature(s)

Mailing Address

Telephone Number

Email Address

PRAECIPE

IN THE JUSTICE COURT, THE COUNTY OF PARK, IN THE STATE OF MONTANA.

Plaintiff

Case Number: _____

Vs.

Defendant

To the agency: _____

Type of papers to serve: Summons, Answer & Counterclaim.

Please serve the attached papers to (Name of Plaintiff):

Physical Address: _____

Phone number(s): _____

Place of Employment (if known): _____

Address and Phone number of employer: _____

**Name and Signature of
Defendant:** _____

Address: _____

Phone number(s): _____

Email Address _____

Dated this _____ **day of** _____, **20** _____.

IN THE JUSTICE COURT
CITY OF LIVINGSTON, PARK COUNTY, STATE OF MONTANA
BEFORE CLAY HERBST, JUSTICE OF THE PEACE

_____)

_____)
Plaintiff(s))

-vs-

_____)

_____)
Defendant(s)

Civil Case CV-_____

SUMMONS – COUNTERCLAIM

THE STATE OF MONTANA TO THE ABOVE-NAMED DEFENDANT(S), GREETINGS:

YOU ARE HEREBY SUMMONED to answer the Counterclaim/Complaint in this action which is filed in the above-entitled Court, a copy of which is herewith served upon you. In the event that you deny any or all of the material facts stated in the complaint, you **must** file your written answer for each Plaintiff with the above-entitled Court and serve a copy of your answer by mail upon the Defendant(s) or the Defendant(s)'s attorney at the address as shown on the Complaint.

The answer must contain a denial of any or all of the material facts stated in the Complaint that the Plaintiff believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted. If you fail to answer within twenty (20) calendar days after receiving the Counterclaim/Complaint and Summons the Defendant may request entry of default judgment against you for the relief demanded in the Counterclaim/Complaint.

GIVEN under my hand this _____ day of _____, 20____.

JUDGE / CLERK OF COURT

RETURN OF SERVICE

I HEREBY CERTIFY that I received the within Summons on the _____ day of _____, 20____, and personally served the same on the _____ day of _____, 20____, upon _____ at the following location _____.
A copy of said Summons & Complaint was served to the defendant.

Dated this _____ day of _____, 20____.

Service \$ _____
Copy \$ _____
Mileage \$ _____
Total \$ _____

By: _____
Sheriff/Deputy Sheriff/Process Server