

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 OF RECORD, CITY OF LIVINGSTON
COUNTY OF PARK, STATE OF MONTANA
BEFORE CLAY HERBST, JUSTICE OF THE PEACE**

Plaintiff(s)

vs

ANSWER to COUNTERCLAIM
Case No. CV-_____

Defendant(s)

Come(s) now the Plaintiff(s), _____
in the Complaint and Answer(s) to counterclaim as follows:

Date

Plaintiff Signature

Mailing Address

Telephone Number

Email

CERTIFICATE OF SERVICE

I Hereby Certify that a true and correct copy of the Answer was served upon the Plaintiff(s) or Plaintiff(s) Attorney by placing the same in the U. S. mail, postage fully paid thereon, addressed as follows:

Plaintiff Signature