**Filing a Civil Complaint.**

**What forms will I need to file a civil complaint?**

* You will need to fill out and file the following forms:
	+ Summons
	+ Complaint
	+ Praecipe
* Additional forms that may be required:
	+ Affidavit of Non-Military Service
	+ Motion to Enter Default and Entry of Default
	+ Default Judgment
	+ Notice of Entry of Judgment
	+ Writ of Execution
	+ Notice of Appeal
	+ Answer to Counterclaim

**What words do I need to know?**

* **Plaintiff:**
	+ is someone who files an action in court. You are the Plaintiff in this case.

* **Defendant:**
	+ is the person that you are filing against is the Defendant in this case.

* **Praecipe:**
	+ is a request to the entity that serves the Summons and Complaint on the Defendant.
* **Summons**:
	+ tells the Defendant that you have filed a claim against him or her in Justice Court. It also tells the Defendant that he or she should file an answer within the time allowed to avoid a default judgment.
* **Complaint:**
	+ is a short and simple statement of your conflict with the Defendant. It asks the Court to enter a money judgment in your favor or order the Defendant to return property to you.
* **Affidavit of Non-Military Service:**
	+ a court document that legally determines whether the defendant is or isn’t an active-duty military member.
* **Motion to Enter Default and Entry of Default:**
	+ the first step to obtaining a default judgment against the defendant.
* **Default Judgment**:
	+ is a judgment in favor of either party.
* **Notice of Entry of Judgment:**
	+ is a document stating that an entry of judgment has been granted.
* **Writ of Execution:**
	+ is a court order that is filed for the purpose of securing payment after a judgment has been granted.
* **Notice of Appeal:**
	+ is a notice to inform the court that you are appealing the decision.
* **Answer to Counterclaim:**
	+ a response to the defendant’s counterclaim.

**What do I do?**

1. Fill out the forms
	* Fill out all the blanks on the Summons, Complaint, and Praecipe.
	* Sign and date your Complaint and Praecipe.
2. File Forms with Justice Court.
	* Go to the Park County Justice Court to file the Summons, Complaint, and Praecipe with a clerk.
	* Pay the filing fee of $50 or request a fee waiver.
	* Keep your copies of filing in a secure place.
3. Have the Defendant served.
	* You will need to hire a process server to personally serve the defendant with the Summons and Complaint.
	* Make sure the court receives the original Summons along with the Return of Service
4. Wait for the Defendant to respond.
	* The Defendant has 20 business days following the date of service to file an answer with the court.
		1. The Defendant may also file a counterclaim, in which case you will be able to file an answer to their counterclaim.
5. Go to your hearing.
	* A date will be scheduled with the court after an answer has been filed.
	* Bring all evidence you have with you to court either printed or on a USB.

***WAIVER:*** *These instructions and forms are just information. They are NOT legal advice. Legal advice depends on the specific circumstances of each situation. The information contained in the document is not guaranteed to be up to date. The information CANNOT replace the advice of an attorney licensed to practice law.*