

**APPENDIX OF FORMS TO BE USED IN SMALL CLAIMS COURT: (Rev. 4-15-03)**

(Name & Address of Plaintiff)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
 OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES

|                       |  |   |
|-----------------------|--|---|
| _____ ,<br>Plaintiff, | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | Cause No. 00- _____ - SC<br><br>SMALL CLAIMS<br>COMPLAINT |
| vs.                   |  |   |
| _____ ,<br>Defendant. |  |   |

**COMES NOW** the Plaintiff named above, being first duly sworn, and upon oath complains that the Defendant is indebted to the Plaintiff in the sum of \$ \_\_\_\_\_ for

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_, which sum is now due and owing, and remains unpaid despite demands for payment. The Plaintiff also seeks the award of the costs of this action.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_, Plaintiff

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Clerk of Tribal Court

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES

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|            |   |                          |
|------------|---|--------------------------|
|            | ) |                          |
| Plaintiff, | ) | Cause No. 00- _____ - SC |
| vs.        | ) | SMALL CLAIMS             |
|            | ) | ORDER OF COURT AND       |
| Defendant. | ) | NOTICE TO DEFENDANT      |
|            | ) |                          |

TO THE DEFENDANT NAMED ABOVE:

You are hereby directed to appear and answer the attached Small Claims Complaint against you at the courtroom of the Tribal Court in the Tribal Complex at Pablo, Montana, on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_ : \_\_\_ a.m. / p.m., or as soon thereafter as the matter may be heard, and to have with you all books, papers, and other evidence, as well as witnesses, you may need in presenting your defense and/or in proving your counterclaim. IF YOU FAIL TO APPEAR AT THE APPOINTED TIME, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE ENTIRE AMOUNT DEMANDED IN THE COMPLAINT AND FOR THE COSTS OF BRINGING SUIT.

You are hereby further notified that, within 5 working days of receiving this Order and Notice, you may request that this case be removed from the Small Claims Division and transferred to the civil trial court in Tribal Court to be formally heard under the law and procedure provided under Tribal law. Please carefully read the attached Complaint and Small Claims Instructions and Forms. You may also seek legal advice in deciding how to proceed.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Judge of Tribal Court

RETURN OF SERVICE

I, \_\_\_\_\_, hereby certify that I am legally qualified to provide service in Cause No. \_\_\_\_\_ and that I personally served the SMALL CLAIMS COMPLAINT and SMALL CLAIMS ORDER OF COURT AND NOTICE TO DEFENDANT and SMALL CLAIMS INSTRUCTIONS AND FORMS upon the Defendant named therein at the place, date, and time given below.

Place served: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date served: \_\_\_\_/\_\_\_\_/20\_\_

Time served: \_\_\_\_ : \_\_\_\_ a.m. / p.m.

Signature of Process Server: \_\_\_\_\_

Address of Process Server: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name & Address of Plaintiff)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT OF  
THE CONFEDERATED SALISH AND KOOTENAI TRIBES

|       |            |   |                            |
|-------|------------|---|----------------------------|
| _____ |            | ) |                            |
|       | Plaintiff, | ) | Cause No. 00- _____ -SC    |
| vs.   |            | ) | SMALL CLAIMS AFFIDAVIT AND |
|       |            | ) | REQUEST FOR SUMMONS BY     |
|       |            | ) | PUBLICATION                |
| _____ | Defendant. | ) |                            |

The undersigned deposes and says that:

1. I am the Plaintiff in the above captioned action.
2. After diligent search and inquiry, I am unable to serve the above named Defendant either personally or by registered mail.
3. Therefore, I request that the Clerk of Court issue a Small Claims Summons By Publication as prescribed in Title I, Chapter 2, Part 7, Rule 9(3), of the CS&KT Laws Codified.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_  
(Plaintiff's signature)

ACKNOWLEDGMENT

STATE OF MONTANA        )  
                                      : ss.  
COUNTY OF LAKE         )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me \_\_\_\_\_, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the above instrument, and acknowledged to me that he/ she executed the same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT OF  
THE CONFEDERATED SALISH AND KOOTENAI TRIBES

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|            |   |                         |
|------------|---|-------------------------|
|            | ) |                         |
| Plaintiff, | ) | Cause No. 00- _____ -SC |
| vs.        | ) |                         |
|            | ) | SMALL CLAIMS            |
| Defendant. | ) | SUMMONS BY              |
|            | ) | PUBLICATION             |

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TO THE DEFENDANT NAMED ABOVE:

You are hereby directed to appear and answer the above captioned Small Claims Complaint against you at the courtroom of the Tribal Court in the Tribal Complex at Pablo, Montana, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_:\_\_ a.m. / p.m., or as soon thereafter as the matter may be heard, and to have with you all books, papers, and other evidence, as well as witnesses, you may need in presenting your defense and/or in proving your counterclaim. IF YOU FAIL TO APPEAR AT THE APPOINTED TIME, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE ENTIRE AMOUNT DEMANDED IN THE COMPLAINT (\$ \_\_\_\_\_) AND FOR THE COSTS OF BRINGING SUIT.

You are hereby further notified that, within 5 working days of receiving this Summons By Publication, you may request that this case be removed from the Small Claims Division and transferred to the civil trial court in Tribal Court to be formally heard under the law and procedure provided under Tribal law. You should immediately come to Tribal Court to read the Complaint and the Small Claims Instructions and Forms packet. You may also seek legal advice in deciding how to proceed.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

S/s \_\_\_\_\_  
CLERK OF TRIBAL COURT

(Name & Address of Defendant)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES

|            |   |                          |
|------------|---|--------------------------|
| _____ ,    | ) |                          |
| Plaintiff, | ) | Cause No. 00- _____ - SC |
| vs.        | ) |                          |
|            | ) | SMALL CLAIMS             |
|            | ) | COUNTERCLAIM             |
| _____ ,    | ) |                          |
| Defendant. | ) |                          |

**COMES NOW** the Defendant named above, being first duly sworn, and upon oath alleges that the Defendant is entitled to Counterclaim against the Plaintiff in this action in the sum of \$ \_\_\_\_\_ for

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, which sum is now due, together with the Defendant's costs of this action.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_, Defendant

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Clerk of Tribal Court

Plaintiff's name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETURN OF SERVICE

I, \_\_\_\_\_, hereby certify that I am legally qualified to provide service in Cause No. \_\_\_\_\_ and that I personally served the SMALL CLAIMS COUNTERCLAIM upon the Plaintiff named therein at the place, date, and time given below.

Place served: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date served: \_\_\_\_ / \_\_\_\_ /20\_\_

Time served: \_\_\_\_ : \_\_\_\_ a.m. / p.m.

Signature of Process Server: \_\_\_\_\_

Address of Process Server: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Party's name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES

|       |            |   |                          |
|-------|------------|---|--------------------------|
| _____ |            | ) |                          |
|       | ,          | ) | Cause No. 00- _____ - SC |
|       | Plaintiff, | ) |                          |
|       |            | ) |                          |
| vs.   |            | ) | SMALL CLAIMS             |
|       |            | ) | NOTICE OF REMOVAL        |
| _____ | ,          | ) |                          |
|       | Defendant. | ) |                          |

TO: \_\_\_\_\_, the above named Plaintiff / Defendant:

YOU ARE HEREBY NOTIFIED that the above captioned action is removed from the Small Claims Division of the Tribal Court and is now pending in the Civil Trial Court of the Tribal Court, pursuant to the procedures set forth in Section 4-4-205 of the *CS&KT Laws Codified*, and that any time previously set for hearing is now vacated.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Party

CERTIFICATE OF MAILING

I, \_\_\_\_\_, Clerk of Court, do hereby certify that I mailed a true and correct copy of the SMALL CLAIMS NOTICE OF REMOVAL to the named party at the address shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Party's Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Clerk of Court

By \_\_\_\_\_  
Deputy Clerk of Court

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES

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|            |   |                        |
|------------|---|------------------------|
|            | ) |                        |
| Plaintiff, | ) | Cause No. 00- ____ -SC |
| vs.        | ) | SMALL CLAIMS           |
|            | ) | JUDGMENT               |
| Defendant. | ) |                        |

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The Plaintiff brought this action for money damages against the Defendant in the Small Claims Division of Tribal Court. The Complaint was filed on \_\_\_\_\_, \_\_\_\_\_, and was properly served upon the Defendant on \_\_\_\_\_, \_\_\_\_\_. The matter was heard in open court on \_\_\_\_\_, \_\_\_\_\_. At that hearing the Plaintiff appeared / did not appear and the Defendant appeared / did not appear. From the oral testimony and other evidence presented at the hearing, the Court finds in favor of the Plaintiff and issues Judgment against the Defendant.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Plaintiff recover the sum of \$ \_\_\_\_\_ from the Defendant together with interest at the rate of \_\_\_ % per annum from the date of this Judgment until paid, and for the court costs of the Plaintiff in the amount of \$ \_\_\_\_\_, for a total current Judgment amount of \$ \_\_\_\_\_.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Tribal Court

CERTIFICATE OF MAILING

I, \_\_\_\_\_, Clerk of Court, do hereby certify that I mailed true and correct copies of the SMALL CLAIMS JUDGMENT to the parties first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Plaintiff:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Clerk of Court

BY \_\_\_\_\_  
Deputy Clerk of Court

(Name & Address of Plaintiff or  
of Plaintiff's Attorney)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE SMALL CLAIMS DIVISION OF THE TRIBAL COURT  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION

|            |   |                           |
|------------|---|---------------------------|
| _____ ,    | ) |                           |
|            | ) | Cause No. 00 - _____ - SC |
| Plaintiff, | ) |                           |
|            | ) |                           |
| vs.        | ) | SATISFACTION              |
|            | ) | OF JUDGMENT               |
| _____ ,    | ) |                           |
|            | ) |                           |
| Defendant. | ) |                           |

THIS SHALL CERTIFY that the JUDGMENT entered in the Small Claims Division of the Tribal Court of the Confederated Salish and Kootenai Tribes of the Flathead Reservation on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in favor of the Plaintiff, and against the Defendant, has been fully paid, settled, and satisfied, and the Clerk of Tribal Court shall enter satisfaction of record.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_  
(Plaintiff's or plaintiff's attorney's signature)

SO ORDERED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Tribal Court

CERTIFICATE OF MAILING

I, \_\_\_\_\_, Clerk of Court, do hereby certify that I mailed true and correct copies of the SATISFACTION OF JUDGMENT to the parties first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Plaintiff

Defendant

Tribal Records Manager

\_\_\_\_\_  
Clerk of Court

BY \_\_\_\_\_  
Deputy Clerk of Court