

INFORMATION FOR PLAINTIFFS AND DEFENDANTS

When you have been served with a claim, an action against you in small claims court, you may, if you do not wish to contest the plaintiff's claim:

- a. Make an out-of-court settlement with the plaintiff within 20 days from the time of service, and file the plaintiff's dismissal with the Court on the form set forth below, or
- b. Make no answer, in which case the plaintiff may be given a judgment by default of the amount claimed, plus court costs.

If you wish to contest the claim against you, you must file an answer and must appear on the date set for trial with all books, papers, and witnesses needed to establish your defense. Sworn statements and affidavits have very little value as evidence. You should have your witnesses prepared to appear in court. If you have any doubt, you may request a subpoena requiring their attendance at your expense at the time you request them.

If either party needs a continuance it must be submitted in writing; including the reason for a request, at least seven days prior to the court date.

As plaintiff you must show by a preponderance of evidence that the defendant is liable for your claim, and the exact amount of the claim. As a defendant you must show facts which disprove the liability or the amount of the claim.

If the plaintiff is awarded any part of his claim against you, he is entitled to payments of the full amount such judgment, plus court costs. Payments should be made directly to the plaintiff and not the court. When the judgment is paid in full, you are entitled to receive from the plaintiff to that effect which you should file with the court. If the matter is contested the remedies of attachment and garnishment will not be available until 30 days, for any appeal, have passed.

If you are dissatisfied with the judgment, you may, within 30 days after the date of entry of the judgment, appeal the Court's decision.

DISMISSAL BY PLAINTIFF

The plaintiff hereby acknowledges full satisfaction of the within claim against the above named defendant and requests the court to dismiss his (its) claim.

Dated: _____
Plaintiff

CERTIFICATE OF SERVICE

STATE OF IDAHO)
County of Bannock)

I hereby certify that I served the within Notice of Hearing of Claim by delivering personally to and leaving within each of the defendant(s) above named a true copy thereof, in said District within the County of _____ State of Idaho, or by leaving a copy thereof with _____ a person over the age of 18 years residing at said defendant's dwelling house or usual place of abode on the _____ day of _____, 19____.

Dated: _____
Process server or Sheriff
Subscribed and sworn before me this _____ day of _____, 19____

Notary Public or Clerk of the Court