



**JUSTICE COURT**  
**205 Bedford Street**  
**Hamilton, MT 59840**

## Answering a Civil Suit: Guidelines and Forms

These are basic guidelines relating to a civil suit, and it will be to your advantage to review them. While they provide basic information, they are not intended to be all-inclusive of the rules and requirements relating to Justice Court lawsuits. As a party to a civil action, it is your responsibility to proceed under the Montana Statutes--they are available at the library or can be accessed on line. We can give you information relating to a lawsuit, but the law prohibits us from providing you with legal advice or interpreting the law as it relates to a civil suit. If you have questions, please contact an attorney.

The filing fee for filing an Answer is \$30 for each Defendant.

### **HELPFUL WEBSITES**

Montana Codes Annotated.. [http://data.opi.state.mt.us/bills/mca\\_toc/index.htm](http://data.opi.state.mt.us/bills/mca_toc/index.htm)

Civil Court forms..... [http://courts.mt.gov/library/topic/civil\\_forms.mcp](http://courts.mt.gov/library/topic/civil_forms.mcp)

Reference sites..... [www.courts.mt.gov](http://www.courts.mt.gov)  
[www.montanalawhelp.org](http://www.montanalawhelp.org)  
[www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov)

Landlord-Tenant issues..... <http://www.doj.mt.gov/consumer/tenantslandlords.asp>  
<http://www.montanafairhousing.org>

### **FILING AN ANSWER**

An Answer must be filed within 20 calendar days from the date of service of a 20 day Summons and Complaint, or 10 business days if you were served with a 10 day Summons for possession of rental property. If you fail to file an answer within the time specified in the Summons, the Plaintiff may requested that a default judgment be entered against you. In filing the Answer, you must,

- \* complete all sections of the Answer, including the certificate of mailing
- \* provide the Court with sufficient copies at the time of filing. You will need the original, a copy for each Plaintiff, and a copy for your records
- \* pay a \$30 filing fee for each Defendant answering the Complaint
- \* mail a copy of the Answer to the Plaintiff

## **COUNTERCLAIM**

When the Answer is filed, a Defendant may also file a Counterclaim against the Plaintiff providing the relief sought relates to a claim arising out of the same transaction or occurrence as the Complaint. The Counterclaim may not exceed \$12000. If you wish to file a Counterclaim, please ask the Clerk for the proper form. After being served with the Counterclaim, the Plaintiff then has 20 calendar days to file a response. If no response is filed to the Counterclaim, the Defendant may request the Court to enter a default judgment against Plaintiff.

## **PRETRIAL / TRIAL**

If an Answer is filed, a pretrial hearing will be set and notices mailed to the parties. The pretrial is an informal hearing held in the Courtroom between the parties. This hearing is scheduled for the benefit of the parties and allows for a full and fair discussion of the issues of the lawsuit filed. Settlement is highly possible at a pretrial and can save the parties the cost and time of going to a formal trial. If the Plaintiff fails to appear at the pretrial or trial, the Complaint will be dismissed. If the Defendant fails to appear at the pretrial or trial, a default judgment may be issued. If a settlement is reached at the pretrial, the Judge will docket the terms of the settlement, dismissal, or judgment. If no settlement is reached, the Court will set the case for trial.

## **JUDGMENT / APPEAL**

If a judgment is issued and either party is dissatisfied with the results, an appeal can be filed to District Court. In that event, it is the appealing party's responsibility to follow the procedures and requirements set forth in the Montana Statutes under Section 25, Chapter 33.

## **COLLECTION OF JUDGMENT**

These are basic guidelines relating to collection of a Justice Court judgment. Neither the Judge nor the Clerk can provide you with advice or interpretation of law as it relates to judgment collections. If you have questions or are unsure about the procedures, refer to the Montana Statutes or contact an attorney.

*Certification of Judgment:* A Judgment can be certified to District Court and effectively creates a lien of any real property owned by the Judgment Debtor. A written request for a certification must include a \$3 check payable to Ravalli County Justice Court and a \$45 check payable to Ravalli County District Court. Please include a self-addressed, stamped envelope with your request. (A certification can also be filed in other Counties where real property is owned.)

*Writ of Execution:* After being awarded a Judgment, you may file a written request for a Writ of Execution. A Writ can be used to garnish wages or execute against a checking or savings account. A Writ can only be served by the Sheriff's Office or a licensed levying officer. You will need to provide specific information to the Sheriff's Office or levying officer as to where you want the Writ served -- name and address of an employer or bank. Very specific laws govern the service of a Writ of Execution and, ultimately, you are responsible for insuring that all requirements are met.

*Satisfaction of Judgment:* A Satisfaction of Judgment must be filed with the Court as soon as the Judgment has been paid.

## **MISCELLANEOUS**

**Documents Filed with the Court:** A copy of any document filed with the Court must include a statement that you have mailed a copy of it to the opposing party.

**Motions:** When a Motion is filed with the Court, it must include a basis for the request. A copy must be mailed to the other party (or the party's attorney), and that party then has ten days to file a response to the Motion.

**Satisfaction of Judgment:** When a Judgment has been paid in full, the judgment creditor must file a "Satisfaction of Judgment" with the Court, and a copy must be mailed to the judgment debtor.

**Dismissal of Complaint or Counterclaim:** If the Plaintiff or Defendant no longer wishes to pursue his/her Complaint against the other party, a Notice of Dismissal should be filed with the Court and a copy mailed to the other party.

**Change of Address:** If your mailing address changes at any time during the proceedings, please notify the Court immediately.

Ravalli County Justice Court  
205 Bedford Street  
Hamilton, Montana 59840

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____	)	
_____	)	
Plaintiff(s)	)	Judge: _____
	)	
vs	)	Case No: _____
_____	)	
	)	ANSWER
_____	)	
Defendant(s)	)	

COME(S) NOW, the Defendant(s) named in the Complaint and answers as follows:

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

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Phone

CERTIFICATE OF SERVICE

The undersigned certifies to the Court that a copy of this Answer was served on the Plaintiff (or the Plaintiff's attorney) by ( ) first class mail or ( ) certified mail on \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

***Required copies: original, copy for each plaintiff, copy for your records***