

SMALL CLAIMS – CHEMEHUEVI TRIBAL COURT

Read this brochure prior to filing a small claims petition.

Small Claims Checklist...

- A claim must be for **\$5,000 or less** and can only be for money, personal property, or performance of a contract.
- You must have made a **good faith effort** to collect the claim before filing.
- The **date of injury/damage** must have occurred no more than one year ago.
- You must be a **resident of the Chemehuevi Indian Tribe Reservation** or waive the right to contest the hearing be held in the Chemehuevi Tribal Court.

Remember...

- ✓ **\$5,000 or Less.**
- ✓ **First, try to collect.**
- ✓ **File Within One Year.**
- ✓ **Chemehuevi Resident or Waive Contest.**

What is the “Small Claims” Process?

Steps to Filing a Small Claim...

- A Small Claims **case starts** when a “Application for a Small Claim” is filed.
- The person suing is the *Plaintiff*.
- The person being sued is the *Defendant*.
- **The form can be found** on the court website or from the Court Clerk.
- **Fill out the form without signing.**
- You must **sign an affidavit and take an oath in the presence of the Court Clerk.**
- You must pay a **filing fee** upon filing.
- The Court Clerk will **mail a copy** of the Small Claim Form to the defendant via certified mail. *If the carrier is unable to get a signature from the defendant, then you are required to personally serve the papers to the defendant.*

Website

Chemehuevi.Net/Tribal-Court

Address

1990 Palo Verde Drive,
Havasu Lake, California 92363
(760) 858-4219

Mailing Address

P.O. Box 1930
Havasu Lake, California 92363

RESPONSE

- The **defendant must file** a “Small Claims Response Form” upon receipt of the plaintiff’s Application for Small Claim.
- The defendant may: **Deny the Claim** and request a hearing with or without a counterclaim, or **Admit to the Claim**.
- If the defendant admits to the claim, then they **must pay** the filing fees, service expenses, and do **one** of the following:
 - 1) Pay the amount of the claim;
 - 2) Deliver the property to the plaintiff; or
 - 3) Complete Performance of Service.
- The Response Form must be filed within **21 Days** of receipt of the Application.

The Defendant May...

- ✓ Admit or
- ✓ Deny
 - A Hearing Will be Held.
 - A Counterclaim Can be Filed.

COUNTERCLAIM

- 1) A defendant *may* **submit a counterclaim** which is asking the judge to award money to the defendant instead of the plaintiff.
- 2) The Counterclaim must be filed with the “Small Claim Response Form.”
- 3) The Counterclaim must arise out of the **same transaction or occurrence** that is the subject matter of the Plaintiff’s claim.
- 3) The defendant must file the Counterclaim **within 21 days** of receiving the claim filed by the Plaintiff.
- 4) The Court Clerk will mail the form to the plaintiff via certified mail.
- 5) The Defendant is **limited to the following recovery options**: money, goods, or services.

- ✓ **Same Transaction or Occurrence.**
- ✓ **Filed Within 21 Days.**
- ✓ **Hearing Must be Held.**

Hearing...

- If the defendant requests a hearing, a **hearing date** will be set by the Court Clerk who will mail notice to both parties.
- **You must attend the hearing.**
- If you don’t attend, you **could lose** and the court can order that wages, money, or property be taken to pay the claim.
- Each party may request one **extension**. An “Extension Request Form” must be filed and the clerk will reset the hearing for no more than thirty days from the original hearing date. Notice will be mailed to both of the parties.
- **Bring** – witnesses, receipts, and any evidence to help prove your case – to the hearing. *Attorneys are not permitted.*
- Only parties and their witnesses, spokespeople, and family members may address the court during the hearing.

Judgment – The judge will make a final decision about your case. This is called a “final judgement” and will state the obligations of the parties. The judgment

remains valid for seven (7) years. The court will keep the case for one (1) year.

