

1 Party without attorney
2 (Name):
3 (Address):
4 (Phone):
5
6
7

8 IN THE TRIBAL COURT FOR THE CHEMEHUEVI INDIAN TRIBE

9 (Adopted By General Order 2020-05)

10 PLAINTIFF: _____ Case No.:

11
12 DEFENDANT: _____ APPLICATION FOR SMALL CLAIM
13
14

15 Notices:

16 Pursuant to Section 1.030 of the Chemehuevi Indian Tribe Small Claims Ordinance, the Tribal
17 Court has jurisdiction over all small claims matters.
18

19 **Notice to the Person Being Sued**

- 20
- 21 • If your name appears on the defendant line above, you are the Defendant, the person
22 being sued. The person listed on the plaintiff line is the Plaintiff, the person suing you.
 - 23 • **You may request a hearing and file a counterclaim. You must submit a “Small
24 Claims Response Form,” which you will find enclosed.**
 - 25 • Read this form and all pages attached to understand the claim against you and to protect
26 your rights.
27

1 **Notice to All Parties:**

- 2 • The defendant shall fill out a “Small Claims Response Form” upon receiving notice of
3 the small claims petition. If the defendant requests a counterclaim, it shall accompany the
4 “Small Claims Response Form.”
5
6 • No formal pleading other than this application and the response form shall be necessary.
7
8 • Once a final judgment is entered, it will be valid for seven (7) years.

8 Hearings:

- 9
10 • The Defendant has a right to demand a hearing and request a counterclaim.
11
12 • If the Defendant demands a hearing, both parties must go to court on the trial date listed
13 in the “Hearing Notice,” which will be set and mailed to you by the court clerk. Failure to
14 attend the hearing could result in an unfavorable decision.
15
16 • Small claims hearings are informal. Only the parties, their witnesses, spokespersons, and
17 immediate family members are allowed to address the court.

17 **Notice to Person Filing Petition:**

- 18 • You are the Plaintiff. The person you are suing is the Defendant.
19
20 • **Fill out the required pages of this form and read it all the way through. You must**
21 **sign the affidavit below under oath in front of the court clerk, and pay a filing fee.**

22 Bring the unsigned form to the address below during court operating hours:

23 Chemehuevi Tribal Court
24 1990 Palo Verde Drive
25 Havasu Lake, California 92363
(760) 858-4219

- 26 • If the defendant demands a hearing, the court clerk will mail you a “Hearing Notice” with
27 the date of the hearing. You must attend this hearing or you may lose your case.
28

- 1 • The court clerk will attempt to mail a copy of this claim form to the Defendant via
2 certified mail. The date on the return slip will serve as the date upon which the notice and
3 claim were served on the defendant. If the delivery service is unable to obtain a signature
4 of the defendant, then the Plaintiff must personally serve the defendant in accordance
5 with the Court’s “Rules of Pleading, Practice, and Procedure.”
6
- 7 • Requirements for a Claim:

8 Pursuant to 1.020 of the Chemehuevi Indian Tribe Small Claims Ordinance, You must attest to
9 all of the following in order to file a small claims petition by checking the boxes below:
10

- 11 The claim is for the recovery of money and/or specific personal property, or performance
of a contract.
- 12 The total amount of the claim, including goods or services, is Five Thousand Dollars
13 (\$5,000), or less.
- 14 I am a Tribal member or a resident of the Chemehuevi Indian Tribe Reservation. If I am
15 not a Tribal member or a resident, then I waive the right to contest the Tribal Court’s
jurisdiction.
- 16 The possession of personal property or injury occurred within the Reservation. Or, for a
17 contract claim, the contract was executed, or was to have been performed, within the
18 Reservation.
- 19 Plaintiff made a good faith effort to collect the claim prior to filing this application.
- 20 I have read the Small Claims Brochure.
- 21 I knew, or should have known, on the following date that the injury or damage occurred
22 (date): _____. **Note: No claim may be filed more than one (1)**
23 **year after the date that the plaintiff knew or should have known of the damage or**
24 **injury that the claim is based upon.**

25 What Can Be Recovered

26 Pursuant to Section 1.040 of the Chemehuevi Indian Tribe Small Claims Ordinance, the plaintiff
27 may only receive one of the following plus interest after a final judgement has been entered:
28

- a. Money for the value of the claim;
- b. The object(s) in controversy and the value of any loss/damage to the objects;
- c. Work to be performed under a contract in dispute, or;
- d. Payment of either goods or services.

Filing a Claim

Your case will begin upon filing a verified form with the Court Clerk. You must sign the claim and verify under oath that as of the date of the filing, each requirement in Section 1.020 “Requirements for a Claim” have been met.

Plaintiff Mailing Address

Defendant Mailing Address

Print name of the Plaintiff

Print Name of the Defendant

Address Line 1

Address Line 1

Address Line 2

Address Line 2

City, State, Zip Code

City, State, Zip Code

1
2 Plaintiff Affidavit

3 I, _____, have filed this small claims petition in the amount of
4 \$_____. The date(s) of the claim arose on _____. Pursuant to
5 Section 1.020 of the Chemehuevi Indian Tribe Small Claims Ordinance “Requirements for a
6 Claim,” I attest that all of the requirements listed and checked by me above are true and correct. I
7 declare under penalty of perjury under the laws of the Chemehuevi Indian Tribe and the State of
8 California that the foregoing is true and correct.
9

10
11
12 _____
Signature of Plaintiff

13
14 _____
Date
15
16
17
18

19 (FOR COURT USE ONLY)

20 VERIFICATION OF SMALL CLAIMS PETITION

21 THE COURT CLERK ATTESTS TO THE FOLLOWING:

- 22
- 23 a. Plaintiff has submitted a claim in the form prescribed by the Court. I have verified and
24 filed the claim.
 - 25 b. Plaintiff has signed in my presence and verified under oath that as of the date of this
26 filing, each requirement of Section 1.020 was met and the foregoing is true and correct.
27

- 1 c. The claim contains the name and last known mailing address of the plaintiff and the
2 defendant.
- 3 d. The claim contains a simple statement of the claim, an amount of the claim, and the date
4 in which the actions allegedly occurred.
- 5 e. I have mailed a copy of the claim to the defendant by certified mail at the defendant's last
6 known address. The envelope was marked "Deliver to Addressee Only" and "Return
7 Receipt Requested," and the date on the return slip will serve as the date upon which the
8 notice and claim were served on the defendant.
9

10
11
12 Date: _____

13
14 _____
15 CLERK OF THE TRIBAL COURT

16 (FOR COURT USE ONLY)

17 FINAL JUDGMENT OF SMALL CLAIMS PETITION

18 THE COURT ORDERS: A Final Judgment of Small Claims Petition for \$ _____
19 dollars to the Plaintiff/Defendant (circle one) shall be entered.
20

21
22 Date: _____

23
24 _____
25 JUDGE OF THE TRIBAL COURT