

**BEFORE THE TRIAL COURT OF THE  
SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA  
SMALL CLAIMS COURT – 307 Meskwaki Rd., Tama IA 52339**

**STATEMENT OF CLAIM & SUMMONS FOR TRIAL** Case No: \_\_\_\_\_

<b>Plaintiff/Petitioner #1:</b>	<b>Plaintiff #2</b>
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
<b>VS.</b>	
<b>Defendant/Respondent #1:</b>	<b>Defendant #2:</b>
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____

**PLAINTIFF'S STATEMENT OF CLAIM**

1. The Defendant(s) owe(s) me \$ \_\_\_\_\_, plus filing fees and costs, for a total of \$ \_\_\_\_\_ because ... (state what happened, when it happened and any other information important to know) :  
Attach add'l page if necessary - \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
2. The Defendant(s) has/have the following property that belongs to me (list/describe all property):  
Attach add'l page if necessary - \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- valued at \$ \_\_\_\_\_, plus filing fees and costs of \$ \_\_\_\_\_, for a total of \$ \_\_\_\_\_.** I want the Court to order this property returned to me or make the Defendant(s) pay me money for the value of the property.
3. I believe that person(s) I am suing is/are at least 18 years old and not in the military service.
4. I understand that if I do not come to court on my hearing date, my case will be dismissed and I may have to pay money to the Defendant(s) on any counterclaim that has been filed.

NOTARY STAMP/COURT SEAL	SWORN TO BEFORE ME ON:  Dated: _____  Signature: _____	THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE: Signature: _____ Name: _____ Title (if representative): _____ Telephone: _____
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**Clerk to Complete Information Below This Line**

**SUMMONS: IMPORTANT NOTICE TO THE PARTIES**

**Attention Plaintiff and Defendant:** You must come to court for a trial at the Tribal Court, at 307 Meskwaki Road, on the Meskwaki Settlement on \_\_\_\_\_, day of week \_\_\_\_\_ at \_\_\_\_\_ .m. The trial is your only opportunity to present evidence regarding the above stated claim. *Read attached instructions and procedures for further information.*

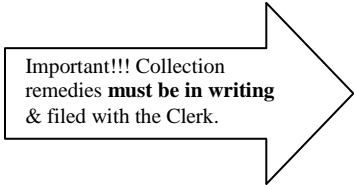
Failure of Plaintiff to attend trial shall result in dismissal and failure of defendant to attend trial shall result in entry of judgment by default.

Dated: \_\_\_\_\_ Court Administrator/Clerk/Deputy: \_\_\_\_\_

## SMALL CLAIMS INSTRUCTIONS AND PROCEDURES

- A Plaintiff can bring a claim in Small Claims Court if the claim seeks only a money judgment in the amount of \$5,000.00 or less (or seeks recognition of a foreign judgment of \$5,000.00 or less), or if the property valued in \$5,000.00 or less. If all parties agree, a plaintiff can bring any other claim in Small Claims Court.
- Plaintiff brings an action by filing a completed Statement of Claim and Summons with the Court and paying the filing fee of \$25.00.
- **NOTICE OF TRIAL AND SERVICE:**
  1. Plaintiff will receive written Notice of Trial with the time, date and location of the trial. The trial will be scheduled to take place not less than 10 and not more than 60 days from the date of filing.
  2. **Plaintiff is responsible for serving the Notice of Trial and Statement of Claim and Summons on Defendant(s).** There are three ways to serve the Notice of Trial and Statement of Claim and Summons.
    - a. Give the papers for service to a Tribal law enforcement officer, a bailiff of the Tribal Court, or a person appointed and registered by the Tribal Court as a process server;
    - b. Send the papers for service to the last known address of the Defendant(s) by registered or certified mail, with return receipt requested, to be delivered to the addressee only (restricted delivery);
    - c. If a Defendant's address or whereabouts is unknown, you must first ask the Court for an order allowing service by publication. Then, publish the contents of the Notice of Trial in a local newspaper of general circulation at least once a week for three weeks and leave an extra copy of the Notice of Trial and Statement of Claim and Summons with the Court for the party. The arrangements and cost of Service by Publication are the responsibility of the Plaintiff.
  3. **Service must be completed 7 days before trial or 10 days after the issuance of the Notice of Trial, whichever comes first.**
- **ANSWER; COUNTERCLAIM; CROSS-CLAIM:**
  1. A Defendant can, but does not have to, file a written answer to the claim.
  2. If a Defendant wants to bring a counterclaim or cross-claim, s/he must file a formal and concise plea with the Court. The counterclaim/cross-claim can be made on a Statement of Claim and Summons form. It must be filed 14 days after service of the Notice of Trial, or by the trial, whichever comes first. If the counterclaim/cross-claim only seeks a money judgment for the amount of \$5,000.00 or less, then the filing fee is \$25.00. If the counterclaim/cross-claim seeks a money judgment for more than \$5,000.00, or any other relief, then all parties must agree to have the case heard in Small Claims Court.
- **DISCOVERY:** Any party wishing to conduct discovery must ask the Court for an order allowing discovery. Discovery is only permitted in exceptional cases.
- **CHANGE OF TRIAL DATE:** Any party wishing to change the trial date must have a good reason and must make a motion for continuance with the Court at least five days before the trial. The Court can also change the trial date on its own.
- **MOTIONS:** The following motions must be filed with the Court five days or more before the trial: motion for discovery, motion for continuance, motion to dismiss based on sovereign or official immunity, motion for service by publication, or suggestion that the judge remove himself or herself from the case. Any other motions can be heard at the trial.

- **SETTLEMENT:** If the parties settle the claim(s) before the trial, each party who has made a claim, counterclaim, or cross-claim must tell the Court in writing that the claim/counterclaim/cross-claim has been settled.
- **FAILURE TO APPEAR:**
  1. **Defendant.** If a Defendant does not come to Court for the scheduling hearing, the Plaintiff must first prove that the Defendant was served with the Notice of Trial. If such proof is provided, the Court will enter a judgment against the absent Defendant in the amount stated in the Statement of Claim and Summons. If the Plaintiff cannot prove the Defendant was served with the Notice of Trial, the Court can either reschedule the trial, or can dismiss the case without prejudice. A “dismissal WITHOUT prejudice” means that the Plaintiff **can** bring the case again in the future.
  2. **Plaintiff.** If a Plaintiff does not come to Court for the scheduled hearing, the Plaintiff’s claim is dismissed and the Court will determine if the dismissal is with or without prejudice. A “dismissal WITH prejudice” means that the Plaintiff cannot bring the case again in the future. A “dismissal WITHOUT prejudice” means that the Plaintiff **can** bring the case again in the future. The Plaintiff could also have to pay money on any counterclaim that a Defendant filed.
- **Judge Trial ONLY.** The trial will be a judge/bench trial. Juries are **not** used in Small Claims Court.
- **EVIDENCE:** The parties should bring any evidence and witnesses that they think are relevant to their case. The Court will allow the evidence if it will help to discover the truth about the case, or help to determine what relief would repair relationships, achieve substantial justice, or restore balance to the community in accordance with the customs and traditions of the Tribe. The Court will allow official Tribal documents, or copies of official Tribal documents as evidence if the documents are relevant to the case, and if the documents are certified by the appropriate Tribal official.
- **JUDGMENT:** The Court will issue a written judgment. The judgment may not exceed \$5,000.00, plus filing fees and service fees, if applicable.



Important!!! Collection remedies **must be in writing** & filed with the Clerk.

**POST-TRIAL MOTIONS AND HEARINGS:** If the judgment is not satisfied (paid) within 10 days after entry, the Court may hear any motion for collection remedies to the extent permitted. The Court will not hear any other post-trial motions.

- **APPEAL:** Judgments of the Small Claims Court may be appealed under the rules which apply to all other civil actions.
- **QUESTIONS:** All questions and correspondence should be addressed to the Clerk of Small Claims Court.