

Civil Form#1
IN THE SOUTHERN UTE TRIBAL COURT
ON THE SOUTHERN UTE INDIAN RESERVATION

Name _____
Address _____
City/State _____
Phone _____

Plaintiff

Cause No. _____ -cv-

vs.

NOTICE, CLAIM AND SUMMONS TO APPEAR

Name _____
Address _____
City/State _____
Phone _____

Defendant

NOTICE AND SUMMONS TO APPEAR

To the Defendant:

You are directed to file a written response to Plaintiff's Claim set forth below, within twenty-one (21) days from the date of service, or before your appearance date of _____ at _____ A.M./P.M. at the Southern Ute Tribal Court, located at the Justice Building. On the above appearance date you should bring with you all books, papers and witnesses needed by you to establish any defenses you might have to the claim. **IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU FOR THE AMOUNT OF PLAINTIFF'S CLAIM PLUS COSTS OF THIS SUIT.** If you wish to present a counter-claim, you must pay a fee of \$100.00. For additional information see back of the Defendant's Copy.

_____ Date

_____ Clerk

PLAINTIFF'S CLAIM

The above named defendant owes me \$ _____, plus interest and costs allowed by law, for the following reasons and as supported by the attached documentation:

Defendant is in the Military Service []yes[] no
I am an attorney []yes[]no

Defendant resides, is regularly employed, or has an office for the transaction of business on the Southern Ute Indian Reservation []yes []no

I declare under penalty of perjury that the above statements are true and correct.

Plaintiff's Signature Date

CERTIFICATE OF SERVICE

I certify that I hand delivered or mailed, certified/restricted, returned receipt requested, the above complaint to the above named defendant on _____ at the following address:

Court Process Server/Clerk

[] Plaintiff was notified of non-service on _____.

Date

COURT COPY

DEFENDANT'S COUNTERCLAIM (\$100.00 must be paid to file a counterclaim)

The Plaintiff owes me \$ _____, plus interest and costs allowed by law for the following reasons: _____

I am an attorney []yes[]no

I declare under penalty of perjury that the above statements are true and correct.

Defendant's Signature **Date**
Address _____

INFORMATION FOR DEFENDANTS

- A. When you have been served with a summons to appear for trial in a civil action filed against you in Tribal Court, you may, if you do not wish to contest Plaintiff's claim:
 - 1. Make an out-of-court settlement; with the Plaintiff before the date set for trial and notify the court clerk, in writing, of that settlement.
 - 2. Not appear at the date and time set for trial, in which case the court will enter default judgment against you for the amount owed claimed by Plaintiff plus costs.
- B. If you wish to contest the claim filed against you, you must complete and file the response form, **AND APPEAR ON THE DATE AND TIME SET FORTH** in the Notice; bringing all books, papers, and witnesses needed to establish your defenses. Subpoenas will be issued for any witnesses needed in support of your claims. Requests for subpoenas should be made at least five working days prior to trial.
- C. If you have a claim against the Plaintiff, or a setoff to the Plaintiff's claim, you may assert a counterclaim or setoff against the Plaintiff by completing the Defendant's Counterclaim and paying a \$100.00 filing fee.
- D. If Plaintiff recovers a judgment against you, the Plaintiff is entitled to immediate payment of the full amount of the judgment plus court costs. Payment may be made either to the clerk of court or to the Plaintiff. You are entitled to receive a satisfaction of judgment form upon payment. If you do not immediately pay the judgment amount you must complete and return the **"Interrogatories Form"** listing your property and other assets.
- E. If you contest the claim, you have a right to a trial. If you wish to appeal any decision of this court, you must follow the appellate procedures set forth in the Tribal Code.
- F. If you lose the case, you may be required to pay the other party's court costs, including any service fees.

INFORMATION FOR PLAINTIFF

- A. You may file your claim in this Court if:
1. Your claim is for money.
 2. The party you are suing resides, has an office for the transaction of business, is regularly employed on the Southern Ute Reservation, or is a member of the Southern Ute Indian Tribe.
 3. You pay the court clerk a \$100.00 filing fee.
- B. You may have your claim served by:
1. Certified/restricted mail.
 2. By the Tribal process server.
 3. By an individual over the age of 18 and not a party to this action.
 4. By publication if personal service is not possible.
- C. If you settle your claim before trial, you must notify the court clerk in writing prior to the appearance date.
- D. If you require witnesses at the time of trial, the clerk will issue subpoenas at your request.
- E. When you appear for trial, bring everything necessary to establish your claim: books, papers, bills or other documentation. Be on time. If you are late, the matter may be dismissed or judgment entered against you.
- F. If you wish to appeal, you must follow the rules for an appeal set forth in the Tribal Code.
- G. You must present evidence to prove your claim, both as to liability and damages, by a preponderance of the evidence, even if the defendant does not appear.
- H. If a judgment is entered in your favor and remains unpaid, the court may issue a writ of execution upon your request. When the judgment is paid in full, you must file a satisfaction of Judgment Form with the Tribal court clerk.
- I. **THE COURT CANNOT COLLECT YOUR JUDGMENT FOR YOU**, but will help you with the necessary forms and may issue appropriate orders.
- J. When inquiring about the case, refer to the case number on the top of this document. Direct all inquiries to the clerk, not the judge.
- K. If you lose your case, you may have to pay the other party's court costs, including service fees.