

Checklist for Small Claims Affidavit and Summons (Participating ODR Courts Only)

pubapps.utcourts.gov/OnlineDisputeResolutionWEB

1. Complete the Affidavit and Summons

- Be sure your case should be filed in an Online Dispute Resolution (ODR) participating court. This Affidavit and Summons can only be used in a court participating in ODR. If your case falls under another court's jurisdiction, use the Small Claims Affidavit and Summons found on www.utcourts.gov/howto/smallclaims under "Forms needed by plaintiff to file a small claims case."

2. File the Affidavit and Summons

- Take the completed Affidavit and Summons to the court.
- ODR participating courts require all small claims cases to participate in an online process called Online Dispute Resolution (ODR). If you are unable to participate in ODR due to a disability, an inability to access the internet or because you do not speak English, request an exemption from the court clerk when you file.

3. Register for an ODR Account

- After filing, an email will be sent to the email address on your Affidavit and Summons.
 - o Note: If you do not receive the email, check your spam folder. If you still cannot find the email, contact the court to be sure the email address at the court is correct.
- Open the email and click on "Register Now," and follow the instructions. **You must register within 7 days of filing the Affidavit and Summons.**

4. Serve the Affidavit and Summons

- You must have the Affidavit and Summons served on the defendant(s) involved in your dispute within 120 days of filing.
- You cannot serve the Affidavit and Summons yourself. The Affidavit and Summons must be served on the defendant(s) by a person 18 or older who is not involved in the case. That person must deliver the Affidavit and Summons to:
 - o the defendant at any location;
 - o a person of suitable age and discretion who lives in the defendant's home at the defendant's home; or
 - o an agent authorized to receive the papers at any location.

- Deputy sheriffs, constables and private investigators commonly serve papers. They will charge a fee. The court clerk can help you deliver the papers to a deputy sheriff or constable for service.

5. File Proof of Service of Affidavit and Summons

- If a sheriff, constable or private process server serves the Affidavit and Summons on the defendant, that person will complete and file a Proof of Service.
- If some other person 18 or older who is not a party to the case or a party's attorney serves the Affidavit and Summons, that person must complete and file with the court a Proof of Service form within 7 days. For more information and forms, see www.utcourts.gov/howto/service/service_of_process.html.
- If the defendant cannot be found for service, the plaintiff can ask the court to permit alternative service. For more information, see www.utcourts.gov/howto/service/alternate_service.html.

Utah Justice Court Cover Sheet

Interpretation. If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

Interpretación. Si usted no habla ni entiende el Inglés el tribunal le proveerá un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

Plaintiff/Petitioner (First)

Name

Address

City, State, Zip

Phone

Email

First Plaintiff/Petitioner's Attorney or Licensed Paralegal Practitioner*

Name

Bar Number

Plaintiff/Petitioner (Second)

Name

Address

City, State, Zip

Phone

Email

Second Plaintiff/Petitioner's Attorney or Licensed Paralegal Practitioner*

Name

Bar Number

Defendant/Respondent (First)

Name

Address

City, State, Zip

Phone

Email

First Defendant/Respondent's Attorney or Licensed Paralegal Practitioner*

Name

Bar Number

Defendant/Respondent (Second)

Name

Address

City, State, Zip

Phone

Email

Second Defendant/Respondent's Attorney or Licensed Paralegal Practitioner*

Name

Bar Number

*Attorney or LPP addresses provided by Utah State Bar.

Total Claim for Damages \$ _____

Claim may not exceed \$15,000

Schedule of Fees: §78A-2-301.5

-- SMALL CLAIMS AFFIDAVIT --

- \$60 [] Damages \$2000 or less
- \$100 [] Damages \$2001 - \$7,499
- \$185 [] Damages \$7,500 - \$15,000

-- SMALL CLAIMS COUNTER AFFIDAVIT --

- \$50 [] Damages \$2000 or less
- \$70 [] Damages \$2001 - \$7,499
- \$120 [] Damages \$7,500 & over

-- SMALL CLAIMS APPEAL --

- \$10 [] Notice of Appeal to District Court

- \$240 [] Appeal / Trial de novo Filing Fee payable to District Court
- [] is attached
- [] to be paid at District Court

-- OTHER --

- \$135 [] Expungement Petition
- \$50 [] Writ
- \$35 [] Open Sealed Record

-- OCAP --

- (Utah Code §78A-2-501)
- \$20 [] Documents prepared using Online Court Assistance Program (OCAP)

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff or employee of plaintiff Plaintiff's Attorney (Utah Bar #: _____)

In the _____ Justice Court of Utah
_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff v. _____ Defendant</p>	<p>Small Claims Affidavit and Summons Online Dispute Resolution Case</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	---

This form is for small claims cases filed in justice courts using Online Dispute Resolution **only**. Forms for all other justice courts can be found here: www.utcourts.gov/howto/smallclaims/

1. Defendant owes me the following amounts:
Claim described in paragraph 2.
(Include any prejudgment interest accrued to date and applicable attorney fees. Attach statute or contract authorizing claim for attorney fees.) \$ _____
Plus, the amount I paid to file this claim. \$ _____
Plus, the amount I paid to serve claim. \$ _____
Equals, the total amount I am seeking. \$ _____
plus prejudgment interest, if qualified.

2. The events happened on _____ (date). My claim is based on the following facts:

3. Choose one:

Defendant resides within the jurisdiction of the court.

The events happened within the jurisdiction of the court..

4. I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.

5. I am not suing on a claim that has been assigned to me.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Summons

In the _____ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Small Claims Summons and Affidavit

Online Dispute Resolution Case

Plaintiff

v.

Defendant

Case Number _____

Judge _____

To:

Defendant Name and Address _____

Defendant Name and Address _____

Notice to the Defendant

A small claims case has been started against you. This court uses online dispute resolution (ODR) to settle small claims cases. You have two options.

Option 1: Using ODR

Instead of going to trial at the courthouse at a specific date and time, you and the plaintiff will work online with a neutral facilitator to reach a settlement. The facilitator will help both parties by asking questions, requesting information, and suggesting clarifications to agreements.

- Within 14 days of receiving this

Aviso al demandado

Se ha iniciado un caso de reclamos menores en su contra. Este tribunal utiliza la resolución de disputas en línea (ODR, por sus siglas en inglés) para llegar a un acuerdo en casos de reclamos menores. Usted tiene dos opciones.

Opción 1: Usar ODR

En vez de ir a juicio en el tribunal en una fecha y hora específica, usted y el demandante trabajarán en línea con un facilitador neutral para llegar a un acuerdo. El facilitador ayudará a ambas partes haciendo preguntas, solicitando información y sugiriendo aclaraciones a los acuerdos.

- A más tardar 14 días después de haber

Affidavit, you must register at <https://odr.utcourts.gov> to try to settle this case.



Scan QR code to visit page

- **If you do not register within 14 days, judgment may be entered against you for the total amount claimed.** The plaintiff could garnish your paycheck or take your property to pay the debt.
- **Read the Affidavit below.** It explains what the plaintiff wants from this lawsuit.

Option 2: Asking to be excused from ODR

You can ask to be excused from using ODR to settle your case by:

- Visiting www.utcourts.gov/small, filling out the Request to be Excused from Online Dispute Resolution, and filing it with the court, or



Scan QR code to visit page

- calling the court at

_____ (phone number) to ask for the Request to be Excused from Online Dispute Resolution. Call within 7 days of receiving this Summons.

You might qualify to be excused from using ODR if you:

- need disability-related assistance,

recibido esta declaración jurada, usted debe registrarse en <https://odr.utcourts.gov> para tratar de llegar a un acuerdo en este caso.



Para acceder esta página escanee el código QR

- **Si usted no se registra dentro de 14 días, se puede dictar un fallo en su contra por el monto total reclamado.** El demandante podría embargar su sueldo o tomar sus bienes para pagar la deuda.
- **Lea la declaración jurada más abajo.** Esta explica lo que el demandante quiere de esta demanda.

Opción 2: Pedir que se le exonere la ODR

Usted puede pedir que se le exonere su participación en la ODR para llegar a un acuerdo en su caso:

- Yendo a www.utcourts.gov/small, llenando la Solicitud de exención de la resolución de disputas en línea y presentándola ante el tribunal, o



Para acceder esta página escanee el código QR

- llamando al tribunal al

_____ (número de teléfono) para pedir la Solicitud de exención de la resolución de disputas en línea. Llame dentro de 7 días después de haber recibido este Citatorio.

Usted puede ser elegible para que se le exonere su participación en la ODR si:

- necesita ayuda relacionada con discapacidad,

- don't speak English, or don't have internet access.

Going to trial

If you can't come to an agreement with the facilitator's help, or if you have been excused from ODR, the case will be scheduled for trial. The court will tell you the date, time, and place of your trial.

If you do not go to the trial, you will lose automatically. The court can enter a judgment against you for the total amount claimed by the plaintiff.

If you want to have a jury for your trial, you must file forms to move your case to district court. Visit www.utcourts.gov/small for more information and to find forms.



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

- no habla inglés o no tiene acceso al Internet.

Para ir a juicio

Si no puede llegar a un acuerdo con la ayuda del facilitador, o si se le ha eximido de la ODR, el caso se programará para juicio. El tribunal le dirá la fecha, la hora y el lugar de su juicio.

Si usted no va al juicio, perderá automáticamente. El juez puede dictar un fallo en su contra por el monto total reclamado por el demandante.

Si desea tener un jurado para su juicio, usted deberá presentar formularios para trasladar su caso al tribunal de distrito. Para más información y para encontrar formularios, visite www.utcourts.gov/small.



Para acceder esta página escanee el código QR

Cómo encontrar ayuda

La página de Internet del tribunal, Cómo encontrar ayuda legal, (www.utcourts.gov/help) proporciona información sobre las maneras en que puede obtener ayuda legal, incluido el Centro de ayuda de los tribunales de Utah, abogados con tarifas reducidas, ayuda legal limitada y talleres jurídicos gratuitos.



Para acceder esta página escanee el código QR

Date: _____

Signature ► _____

Court Clerk _____