

KEY DIFFERENCES BETWEEN SMALL CLAIMS AND CIVIL

SMALL CLAIMS COURT	CIVIL COURT
\$15.00 filing fee	\$30.00 filing fee
Wait time, 10 days after mailing certified demand letter before filing	Can file anytime
Must initiate with certified demand letter	Suggest demand letter
\$10.00 Appearance fee paid by defendant at trial and/or Counterclaim	Counterclaim – no charge (must be mailed)
\$10.00 fee (must be served)	\$15.00 Answer fee (recoverable)
No Judgment fee	\$10.00 Judgment fee from winning party (recoverable)
Preprinted forms	Preprinted forms
Must file in person	May file in person or via mail with proper fees
Money/value limit \$3000.00	Money/value limit \$7000.00
Service of Order	Service of Summons
Court costs recoverable	Court costs recoverable
Cannot do real estate eviction cases	Can do eviction cases
No attorney unless all parties are represented by an attorney (MCA 25-35-505(2))	Attorney (may be required) see Rule 2, 4, and 7, MJCCRCP
Defendant must live in county or must be able to be served in the county	Defendant can live anywhere in Montana
Mediation and trail date given with filing	(with appropriate venue)
REQUIRED MEDIATION	20 day response period; 10 days on Possession of Premises cases
Default Judgment may be granted at time of trial	Default Judgment my be granted without pre-trial if no answer submitted within 20 days; 10 days on Possession of Premises cases
Judgment – same effect in either court	Judgment – same effect in either court
Execution Procedures (same)	Execution Procedures (same)
Appeal – matters of law only; \$10.00 fee to District Court; 10 days from date judgment signed	Appeal or Transfer – new trial; \$30.00 fee to District Court; \$10.00 fee to Justice Court; 30 days from date judgment signed