

KEY DIFFERENCES BETWEEN **CIVIL COURT and SMALL CLAIMS DIVISION**

CIVIL COURT Money/Value Limited to \$15,000 plus incurred fees	SMALL CLAIMS Money/Value Limited to \$7,000 plus incurred fees
\$50 Filing Fee	\$30 Filing Fee
Demand letter is suggested, but not required	Must initiate with certified demand letter
No wait time on filing (unless demand letter is sent, then must wait until time in letter passes)	Wait time – 10 days after mailing certified demand letter before filing
\$30 Filing Fee to Answer the Complaint (per Defendant; Defendant must mail a copy to the Plaintiff)	\$20 Appearance Fee paid by Defendant on the day of the trial or if filing a Counterclaim or other Court document
Counterclaim (no charge; filed with the Answer; Defendant must mail a copy to the Plaintiff)	Counterclaim (no charge; filed with the Appearance Fee; must be served on the Plaintiff by the Sheriff or Process Server no less than 72 hours prior to the hearing date)
Limit of \$15,000	Limit of \$6,500
\$20 Judgment Fee	No Judgment Fee
Preprinted Forms	Preprinted Forms
May file in person or via mail with proper fees	Must file in PERSON – <i>Plaintiff must be Sworn to Complaint</i>
Summons must be served upon the Defendant (arranged by the Plaintiff)	Order and Notice must be served upon the Defendant (arranged by the Plaintiff)
	Order and Notice must be returned to the Court at least 5 Days prior to mediation
May file for Eviction (Action for Possession) cases	Cannot file for Eviction (Action for Possession) cases
Attorney may be required – <i>See Rules 2, 4, and 7 in Montana Code Annotated MJCCRCP</i>	All parties are unrepresented OR all parties have an attorney
The Defendant may live anywhere in Montana	The Defendant MUST live in the filing county <i>OR</i> be able to be served in the filing county
After being served – Defendant has 20-day response period; 5-business day response period for Eviction (Action for Possession)	After being served – Defendant has a 10-day period to file a Counterclaim No response required otherwise
An Action for Possession mediation and hearing will be set within 14 days of Answer date	Mediation and Judge Trial will be set within 40 days of filing the case
Default Judgment may be granted without Pretrial if no answer is submitted within 20 days or 5 days for an Eviction (Action for Possession) case	Default Judgment may be granted at time of the trial

Execution on Judgment Procedures are the Plaintiff's responsibility	Execution on Judgment Procedures are the Plaintiff's responsibility
Appeal to District Court - \$20 Filing Fee plus 2-3 times the judgment amount (cash or money order only) transferred to District Court	Appeal to District Court – for matters of law \$20 Filing Fee
Must appeal within 30 days of judgment signed date	Must appeal within 10 days of judgment signed date