

1       **Rule 4-801. Transfer of small claims cases.**

2       Intent:

3       To establish a procedure for the transfer of small claims cases to the appropriate  
4 justice court.

5       Applicability:

6       This rule shall apply to the courts of record and not of record.

7       Statement of the Rule:

8       (1) Small claims actions filed in a court of record may be assigned to a judge pro  
9 tempore, if one has been appointed under Rule 11-202 to adjudicate small claims  
10 actions. If no judge pro tempore has been appointed to adjudicate small claims actions,  
11 the case may be transferred to a justice court with jurisdiction ~~under Section 78-5-104.~~

12       (2) At the time of the transfer, the court shall also transfer the filing fee, less the  
13 portion dedicated to the judges' retirement trust fund.

14       (3) If there is no justice court with territorial jurisdiction of the small claims action and  
15 no judge pro tempore, a district judge of the court shall hear and determine the action.

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