

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

2 Intent:

3 To establish a procedure for ~~the transfer of filing~~ small claims cases ~~to in~~ the
4 appropriate 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 shall not be~~ filed in a court of record ~~unless there is no~~
9 ~~justice court with territorial jurisdiction of the action. may be assigned to a judge pro~~
10 ~~tempore, if one has been appointed under Rule 11-202 to adjudicate small claims~~
11 ~~actions. If no judge pro tempore has been appointed to adjudicate small claims actions,~~
12 ~~the case may be transferred to a~~ If a small claims case is submitted to a court of record
13 for filing, it shall be declined, with instructions to file in the justice court with jurisdiction.

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

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

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