

1 **Rule 4-801. ~~Transfer of Filing~~ 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 ~~may be assigned to a~~
9 ~~judge pro tempore, if one has been appointed under Rule 11-202 to adjudicate small~~
10 ~~claims actions. If no judge pro tempore has been appointed to adjudicate small claims~~
11 ~~actions, the case may be transferred to a unless there is no~~ justice court with
12 jurisdiction. If a small claims case is submitted to a court of record for filing, it shall be
13 returned to the plaintiff with instructions to file in a 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.~~

18