

Checklist for Counter-Affidavit and Summons

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.

(1) Counter Affidavit and Summons

- IMPORTANT NOTICE—You must file all claims arising out of the same event or transaction in one lawsuit, whether that is in small claims court or in the district court. For example, if you have had an auto accident, and are seeking to recover money for property damage (such as the cost of repairing your car), and also for personal injuries, you must file all of your claims in one lawsuit. You may file in small claims court or in district court, but you cannot "split" your claims into two separate lawsuits. If you file in small claims court, your total recovery cannot exceed the jurisdictional limit. See *Allen v. Moyer*, 2011 UT 44.
- Print your name and contact information at the top of the first page. Check whether you are the defendant or the attorney for the defendant.
- Complete the heading exactly as it appears in the Affidavit and Summons.
- Paragraph (1). Enter the amounts claimed in the spaces provided. Include in the principal amount any interest accrued to the date of filing. Do not file an amended Counter Affidavit to claim interest between the filing date and the judgment date. If the court grants judgment, the court will include prejudgment interest in the judgment if you qualify for it.
- Paragraph (2). Enter the date on which the events happened. Describe the facts.
- Paragraph (3): Check the box. You cannot sue a governmental entity or governmental employee for on-the-job conduct in small claims.
- Paragraph (4): Check the box. You cannot sue in small claims if the claim has been assigned to you.
- Omit any private or protected information. When filed, this document is a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Signature. Sign the Counter Affidavit under oath before a notary or a court clerk.

- Summons. Leave blank. The court clerk will complete the Summons and mail a copy of the Counter Affidavit and Summons to the plaintiff. The judicial services representative may have to reschedule the trial.
- File the form with court clerk.