

Checklist for Small Claims Affidavit and Summons (West Valley City Justice Court ONLY)

pubapps.utcourts.gov/OnlineDisputeResolutionWEB

1. Complete the Affidavit and Summons

- Be sure your case should be filed in the West Valley City Justice Court. This Affidavit and Summons can only be used in the West Valley City Justice Court. If your case falls under another court's jurisdiction, use the Small Claims Affidavit and Summons found on www.utcourts.gov/howto/smallclaims under "Forms needed by plaintiff to file a small claims case."

2. File the Affidavit and Summons

- Take the completed Affidavit and Summons to the West Valley City Justice Court to file.
- West Valley City Justice Court requires all small claims cases to participate in an online process called Online Dispute Resolution (ODR). If you are unable to participate in ODR due to a disability, an inability to access the internet or because you do not speak English, request an exemption from the West Valley City Justice Court clerk when you file.

3. Register for an ODR Account

- After filing, an email will be sent to the email address on your Affidavit and Summons.
 - o Note: If you do not receive the email, check your spam folder. If you still cannot find the email, contact the West Valley City Justice Court to be sure the email address at the court is correct.
- Open the email and click on "Register Now," and follow the instructions. **You must register within 7 days of filing the Affidavit and Summons.**

4. Serve the Affidavit and Summons

- You must have the Affidavit and Summons served on the defendant(s) involved in your dispute within 120 days of filing.
- You cannot serve the Affidavit and Summons yourself. The Affidavit and Summons must be served on the defendant(s) by a person 18 or older who is not involved in the case. That person must deliver the Affidavit and Summons to:
 - o the defendant at any location;
 - o a person of suitable age and discretion who lives in the defendant's home at the defendant's home; or
 - o an agent authorized to receive the papers at any location.

- Deputy sheriffs, constables and private investigators commonly serve papers. They will charge a fee. The court clerk can help you deliver the papers to a deputy sheriff or constable for service.

5. File Proof of Service of Affidavit and Summons

- If a sheriff, constable or private process server serves the Affidavit and Summons on the defendant, that person will complete and file a Proof of Service.
- If some other person 18 or older who is not a party to the case or a party's attorney serves the Affidavit and Summons, that person must complete and file with the court a Proof of Service form within 7 days. For more information and forms, see www.utcourts.gov/howto/service/service_of_process.html.
- If the defendant cannot be found for service, the plaintiff can ask the court to permit alternative service. For more information, see www.utcourts.gov/howto/service/alternate_service.html.

Name

Address

City, State, Zip

Phone

Email

I am the Plaintiff or Employee of the Plaintiff
 Attorney for the Plaintiff and my Utah Bar number is _____

In the West Valley City Justice Court of Utah
 Third Judicial District, Salt Lake County
 3590 South 2700 West, West Valley, UT 84119

| | |
|---|--|
| <p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p> <p style="text-align: center;">and</p> <p>_____ Defendant</p> | <p style="text-align: center;">Small Claims Affidavit and Summons</p> <p>_____ Case Number</p> <p>_____ Judge</p> |
|---|--|

This form is for small claims cases filed in West Valley City Justice Court **only**. Forms for all other justice courts can be found here: www.utcourts.gov/howto/smallclaims/

1. Defendant owes me the following amounts:
 Claim described in paragraph 2.
 (Include any prejudgment interest accrued to date and applicable attorney fees. Attach statute or contract authorizing claim for attorney fees.) \$ _____

- Plus, the amount I paid to file this claim. \$ _____

- Plus, the amount I paid to serve claim. \$ _____

- Equals, the total amount I am seeking. \$ _____

- plus prejudgment interest, if qualified.

2. The events happened on _____ (date). My claim is based on the following facts:

3. Choose one:

- Defendant lives in West Valley City.
- The events happened in West Valley City.

4. I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.

5. I am not suing on a claim that has been assigned to me.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Summons

To:

Defendant Name and Address

Defendant Name and Address

Notice to the Defendant

This court uses online dispute resolution (ODR) to settle small claims cases.

- Within **14** days of receiving this Affidavit, you must register at <https://pubapps.utcourts.gov/OnlineDisputeResolutionWEB> to try to settle this case.
- **If you do not register within 14 days**, judgment may be entered against you for the total amount claimed. The plaintiff could garnish your paycheck or take your property to pay the debt.
- If you are unable to participate in the online process, see below.

In this small claims case, instead of going to trial at the courthouse at a specific date and time, you and the plaintiff will work with a third person (facilitator) to reach a solution. A facilitator is a neutral person trained to help people resolve disputes.

A small claims case has been started against you.

Read the Affidavit

The Affidavit explains what the other party is asking for. Read it carefully.

- Register for Online Dispute Resolution (ODR)
- Within 14 days of receiving the Affidavit, go to www.utcourts.gov/smallclaimswvc and register for ODR.

Se ha iniciado un caso de reclamos menores contra usted.

Lea la declaración jurada

La declaración jurada explica lo que la otra parte está pidiendo. Léala detenidamente.

- Inscripción a la Resolución de disputas por internet(ODR, por sus siglas en inglés)
- Dentro de 14 días después de haber recibido la declaración jurada, ingrese a www.utcourts.gov/smallclaimswvc e inscribase a ODR.

- To register, you will need the case number and your name as it is listed on the Affidavit to access your case.
- After you register, a small claims facilitator will be assigned to your case. There are several possible outcomes:
 - If you agree you owe the plaintiff money and you agree on the amount owed, the facilitator can help you set up a payment plan.
 - If you agree you owe the plaintiff money but disagree about the amount owed, the facilitator can help you come to an agreement on the amount owed.
 - If you don't settle, you still have the right to go to trial.

Asking to be excused from ODR

If you:

- need ADA assistance,
- don't speak English, or
- don't have internet access,

you can ask the court to be excused from the ODR requirement.

Call the court at 801-963-3590 and ask for the forms. You must fill out the forms and return them to the court within 7 days of being served this document.

Trial

If you can't come to an agreement with the facilitator's help, or if you have been excused from ODR, the case will be

- Para inscribirse necesitará el número de caso y su nombre tal como figura en la declaración jurada para acceder a su caso.
- Después de que se inscriba, se asignará un facilitador de reclamos menores a su caso. Existen varios resultados posibles:
 - Si acepta que le debe dinero al demandante y usted está de acuerdo con el monto adeudado, el facilitador puede ayudarle a establecer un plan de pago.
 - Si acepta que le debe dinero al demandante pero usted no está de acuerdo con el monto adeudado, el facilitador puede ayudarle a llegar a un acuerdo sobre el monto adeudado.
 - Si no llegan a un acuerdo, usted todavía tiene derecho a ir a juicio.

Solicitud para que se le exima de ODR

Si usted:

- necesita ayuda de ADA,
- no habla inglés, o
- no tiene acceso al internet,

puede pedirle al juez que se le exima del requisito de ODR.

Llame al tribunal al 801-963-3590 y solicite los formularios. Deberá completar los formularios y devolverlos al tribunal dentro de 7 días de recibido este documento.

Juicio

Si no puede llegar a un acuerdo con la ayuda del facilitador o si ha sido eximado de ODR, el caso será programado para un juicio.

scheduled for trial.

The court will notify you of the date, time, and place of the trial.

If you do not go to the trial, the court can enter a judgment against you for the total amount requested in this Affidavit.

Right to Jury Trial

If you want to have a jury trial in this case, you must file documents to remove the case to district court. See the Small Claims web page for information about that process, and forms:

www.utcourts.gov/howto/smallclaims/#removal2.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

El tribunal le notificará la fecha, hora y lugar del juicio.

Si usted no se presenta al juicio, el juez puede dictar un fallo en su contra por el monto total solicitado en la declaración jurada.

Derecho a juicio por jurado

Si desea tener un juicio por jurado para este caso, deberá presentar documentos para transferir el caso al tribunal de distrito. Vea la página de internet sobre Reclamos menores para obtener información sobre ese proceso y los formularios:

www.utcourts.gov/howto/smallclaims/#removal2.

Cómo encontrar ayuda

La página de internet del tribunal sobre Cómo encontrar ayuda legal

(www.utcourts.gov/howto/legalassist/) proporciona información sobre las formas en que puede obtener ayuda legal e incluye lo siguiente: el centro de ayuda, abogados con tarifas reducidas, asistencia legal limitada y talleres legales gratuitos.

Date: _____

Signature ► _____

Court Clerk _____