

CHAPTER 4-09: SMALL CLAIMS

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4-09-010. Small Claims.

Small claims actions may be brought before the Justice Court as provided herein.

4-09-020. Jurisdiction.

A small claims action is a civil action:

(a) For the recovery of money where the amount claimed does not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest and where the defendant resides or the action of indebtedness was incurred within the jurisdiction of the Justice Court; or

(b) Involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest.

4-09-030. Counterclaims.

Counterclaims may be maintained in small claims actions if the counterclaim arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim. A counterclaim may not be raised for the first time in the trial de novo of the small claims action.

4-09-040. Procedure.

Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Utah Supreme Court.

4-09-050. Deferral of Multiple Claims.

If a person or corporation other than a municipality or political subdivision of the State files multiple small claims in the Justice Court, the Justice Court Judge or clerk may remove all but the initial claim from the Court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the Court's calendar.

4-09-060. Judges Pro Tempore.

The Justice Court may request that the Utah Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims actions at times, including evening hours, to be set by the Justice Court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the Justice Court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the Justice Court as may be exercised by a Judge thereof.

4-09-070. Assignee May Not File Claim.

No claim shall be filed or prosecuted in a small claims action by any assignee of such claim.

4-09-080. Hearing Not of Record.

The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rules of the Judicial Council.

4-09-090. Judgment and Execution.

(a) The judgment in a small claims action may not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest.

(b) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

4-09-100. Appeals.

(a) Either party may appeal the judgment in a small claims action to the District Court of Davis County by filing a notice of appeal with the Justice Court within ten (10) days of the notice of entry of the judgment.

(b) The appeal to the District Court is a trial de novo and shall be tried in accordance with the procedures of the small claims action, except a record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

4-09-110. Fees.

The filing fees for small claims actions shall be assessed in accordance with the filing fees required by law as set forth in *Utah Code Ann.* ' 78-7-35, as amended, and shall be collected and remitted as provided in *Utah Code Ann.* ' 78-6-14, as amended.

4-09-120. Costs.

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

