

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
(SMALL CLAIMS DIVISION)

**OFFICE HOURS: 8:00 A.M. - 3:30 P.M.**  
**TELEPHONE:** Bourbon County - (620) 223-0780  
Linn County - (913) 795-2660  
Miami County - (913) 294-4374

PLEASE READ THOROUGHLY AND FOLLOW THESE INSTRUCTIONS

1. PLEADINGS:

- a. Complete the petition carefully. The name, address, and telephone number of both plaintiff and defendant shall be on the petition. Plaintiff's signature on the petition must be notarized or signed in front of the clerk or deputy clerk of the district court. You must file the case in the same county that the defendant can be served. **YOU MUST FILE THE ORIGINAL COPY OF THE PETITION.**
- b. The defendant **MUST** be at least 18 years of age or older. If not, then you must add the parents name, address and telephone number on the petition as well.
- c. The maximum number of claims that can be filed per year is ten (10). The maximum amount for which one may file a claim is FOUR THOUSAND DOLLARS (\$4,000.00). A filing fee must be paid at the time a case is filed. The filing fee is \$49 for claims of \$500.00 or less. The filing fee is \$69.00 for claims of \$501.00 to \$4,000.00. **There is also a \$5.00 sheriff's service of process fee. A separate check or money order made payable to the "County Sheriff's Office" must accompany your petition. Do not combine the sheriff's fee with a check or money order for the filing fee, which is to be made payable to "Clerk of District Court."**
- d. The court may request that you provide self-addressed, stamped envelopes for correspondence between the parties in the case and the court.

2. TRIAL SETTING:

- a. The time the case will be tried is scheduled by the court at the time the petition is filed and is set out on the summons. The plaintiff will receive a copy of the petition. The defendant's summons will indicate the trial date and time.

3. TRIAL:

- a. The hearing is a meeting before a judge. The plaintiff and defendant should report to the courtroom or check in at the District Court office. Each party will be allowed a short time in which to present their case to the court, and if necessary, a short time for cross-examination of the opposing witness. Neither party may be represented by an attorney.
- b. If a witness is to be called, it is the responsibility of each party to have the witness present in the courtroom. If this cannot be done by agreement with the witness, upon written request by party, the court will subpoena the witness. The request must be filed at least five (5) days prior to the trial in order to have time to serve the subpoena on the witness requested. A ten dollar (\$10.00) plus mileage check should accompany the request for a subpoena. **There is a \$5.00 sheriff's service of Process fee that must accompany the subpoena. For each witness being subpoenaed, a check or money order made payable to the "County Sheriff's Office" must be provided by the party wishing to subpoena witnesses. Written statements of intended witnesses ARE NOT allowed in court.**

4. JUDGMENT:

- a. Judgment will be made by the presiding judge after both parties have been given an opportunity to speak. (If the defendant does not appear, the plaintiff is granted judgment by default).
- b. After judgment has been awarded by the court, an attorney may assist in the collection attempt, or the court may be asked to assist in this respect by issuing requested post judgment orders allowed by law.

5. POST-JUDGEMENT ORDERS:

- a. Request for Garnishment (Wage or Non-Wage) can be issued to the court for service on employers or financial institutions to recover the amount of the judgment. There is a \$5.00 sheriff's service of process fee.

6. APPEALS:

- a. An appeal may be taken from the judgment by either party by filing a Notice of Appeal with the Clerk of the District Court within ten (10) days after the date judgment is entered. A filing fee of \$166.00 must accompany the notice of appeal. Attorneys may enter the case on behalf of either party at this time.









SUPPLEMENTARY INSTRUCTIONS TO SMALL CLAIMS DEFENDANTS  
(required by 1990 House Bill No. 2439, effective July 1, 1990)

TO SMALL CLAIMS DEFENDANTS: If you have a counterclaim the following instructions apply as to whether you must state your counterclaim against the plaintiff in this small claims case:

If you have a claim against the plaintiff which arises out of the transaction or occurrence which is the subject of plaintiff's claim and your claim does not exceed \$4000.00, you must state you claim in the space provided on the form for "Defendant's Claim", and return it to the Judge or clerk of the court on or before the time set for trial. If your claim against the plaintiff exceeds \$4000, you MAY state your claim in the space provided on the form for "Defendant's Claim," but you are not required to do so. In determining whether or not your claim against the plaintiff exceeds \$4000, do not include interest, costs, and any damages under K.S.A. 60-2610, but do include the value of any personal property sought to be recovered as determined by your estimate of its value under oath.

**ORIGINAL – FOR DEFENDANT’S USE ACCORDING TO ABOVE INSTRUCTIONS**



SUPPLEMENTARY INSTRUCTIONS TO SMALL CLAIMS DEFENDANTS  
(required by 1990 House Bill No. 2439, effective July 1, 1990)

TO SMALL CLAIMS DEFENDANTS: If you have a counterclaim the following instructions apply as to whether you must state your counterclaim against the plaintiff in this small claims case:

If you have a claim against the plaintiff which arises out of the transaction or occurrence which is the subject of plaintiff's claim and your claim does not exceed \$4000.00, you must state you claim in the space provided on the form for "Defendant's Claim", and return it to the Judge or clerk of the court on or before the time set for trial. If your claim against the plaintiff exceeds \$4000, you MAY state your claim in the space provided on the form for "Defendant's Claim." but you are not required to do so. In determining whether or not your claim against the plaintiff exceeds \$4000, do not include interest, costs, and any damages under K.S.A. 60-2610, but do include the value of any personal property sought to be recovered as determined by your estimate of its value under oath.

**DEFENDANT'S COPY**

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

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Plaintiff – name and address

Vs

---

Defendant – name and address

**REQUEST FOR SERVICE**

This is to request service of process in the above referenced case to the above named defendant as follows:

\_\_\_\_\_ By Certified Mail

\_\_\_\_\_ By Personal Service

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

---

Plaintiff – name and address

Vs

---

Defendant – name and address

**MOTION FOR ORDER OF DISMISSAL**

Comes now on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Plaintiff in the above entitled case, and states to the Court that it is his desire for the above entitled matter to be dismissed without prejudice toward the Defendant.

\_\_\_\_\_  
Plaintiff

**ORDER OF DISMISSAL**

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on the motion of the Plaintiff now sustained, this case is dismissed by the Court without prejudice toward the Defendant.

\_\_\_\_\_  
Judge of the District Court

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

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Plaintiff – name and address

Vs

---

Defendant – name and address

NOTICE OF APPEAL

TAKE NOTICE THAT the appellant, \_\_\_\_\_, herein appeals to the District Court of \_\_\_\_\_ County, Kansas from the Judgment of the

District (Magistrate) Court, judgment in small claims.

\_\_\_\_\_  
Appellant

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REQUEST FOR TRIAL BY JURY

APPELLANT does \_\_\_\_ does not \_\_\_\_ request that hearing on his appeal herein be set to a jury of \_\_\_\_ members.

\_\_\_\_\_  
Appellant

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

---

Plaintiff – name and address

Vs

---

Defendant – name and address

**AFFIDAVIT SHOWING INDIRECT CONTEMPT**

COMES NOW \_\_\_\_\_, having been duly sworn under oath, and states to the court:

That on \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Court granted judgment against the \_\_\_\_\_ for the amount of \$ \_\_\_\_\_.

On the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a Statement of Assets form was sent to \_\_\_\_\_, and a certificate of mailing of said form filed with the Clerk of the District Court. It has now been more than thirty (30) days since the mailing of the assets form and records show that the judgment has not been paid nor has the assets form been returned to the Court.

WHEREFORE, the undersigned prays that the Court hear evidence in this matter and that \_\_\_\_\_ be found to be in indirect contempt for failing to comply with the orders of the Court and that he/she be punished for the violation of said orders.

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Clerk/Deputy of the District Court \_\_\_\_\_

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

---

Plaintiff – name and address

Vs

---

Defendant – name and address

**SUMMONS IN INDIRECT CONTEMPT**

TO THE SHERIFF OF    COUNTY, KANSAS:

You are hereby commanded to summon \_\_\_\_\_ to be and appear in person before the Judge of the above named Court, \_\_\_\_\_ County, Kansas on the \_\_\_\_\_ day Of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_M., then and there to be confronted with an accusation in indirect contempt.

Said \_\_\_\_\_ is hereby notified that and Affidavit In Indirect Contempt has been filed in this Court, and that unless an appearance is made at the time and place specified above, an attachment will be issued directing that said defendant be arrested and brought before the Court for such proceedings as is provided by law in such cases. This judgment to this date remains unpaid and unsatisfied.

The affidavit state that defendant was sent a Statement of Assets form to be returned to the Clerk of the District Court within 30 days of receipt. To this date this has not been done.

You will serve a true copy of this summons upon \_\_\_\_\_, and return this summons with the endorsement of your doings hereon.

IT IS SO ORDERED.

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Deputy of the District Court

**In The District Court of                      County, Kansas**

Case Number \_\_\_\_\_

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Plaintiff – name and address

Vs

---

Defendant – name and address

**BENCH WARRANT**

TO ANY SHERIFF IN THE STATE OF KANSAS:

GREETINGS:

WHEREAS \_\_\_\_\_ stands charged in the above court with the charge of indirect contempt.

YOU ARE THEREFORE COMMANDED TO forthwith arrest said person and commit him to your custody and there to remain until duly and legally discharged by law; and make due to return of this writ.

IN WITNESS WHEREOF, I have hereunto set my hand at my office in \_\_\_\_\_, Kansas on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

---

District Judge

BOND: