



Pulaski County District Court

**JUDGE MORGAN CHIP
WELCH**

3001 West Roosevelt
Little Rock, AR 72204
501-340-6830
501-340-6899 Fax

"NOTICE TO THE DEFENDANT"

- You have been **SUED** by the afore named Plaintiff.
- You must file the attached answer form with the court within 30 days for Arkansas residents or 30 days for non-residents from the date on which you receive this summons or a judgment may be entered against you.
- In the event you fail to file a written answer, a judgment may be entered against you. If a judgment is entered against you, you do have the right to appeal to Circuit Court within 30 days after the disposition date or the court date.
- You may seek advice of an attorney on any matter connected with this suit or your answer. Such attorney should be consulted immediately so that an answer may be filed within the time limit stated below.

IMPORTANT: IF YOU FAIL TO FILE A WRITTEN ANSWER WITHIN 30 DAYS, **JUDGMENT MAY BE ENTERED AGAINST YOU** FOR THE AMOUNT OF THE CLAIM FILED PLUS COURT COSTS. IF THIS OCCURS, YOUR WAGES MAY BE GARNISHED OR ANY OF YOUR PERSONAL PROPERTY MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT.

NOTE: To get a copy of your judgment you must do one of the following:

- (1) Pick one up at the clerk's office;
- (2) Leave a self-addressed stamped envelope; or
- (3) Mail a self-addressed stamped envelope to the clerk's office.

BASIC COURT PROCEDURES:

The clerk will set a date and time for your case to be tried in court when the answer is filed with the court, and a court date notice will be sent. If you do not appear on the date of trial, the Judge may enter a default judgment against you. If the plaintiff fails to appear on the date of trial, the Judge may dismiss the case. If a party is aware before the court date that they will not be able to appear, they must contact the court clerk and send a letter requesting a continuance no less than one week from the trial date. A continuance is a postponement of the trial to a later date and time. Each party is allowed only one continuance.

PREPARATION FOR COURT:

Come prepared to present your side. The purpose of small claims court is to offer an inexpensive and quick method of resolving disputes and your preparation will help this effort.

Bring all evidence with you at the time of your trial. This includes all receipts, invoices, pictures, etc. If your case involves estimates for auto repair, etc, please bring at least 3 estimates to court for the Judge's consideration. Bring all witnesses with you to the trial. This is your court date and no continuance will be granted to bring new witnesses or evidence at a later date. If you feel you may need to subpoena a witness provide the court with their name, correct address, and case number and the clerks will issue the subpoenas. The cost is \$17.58 for service by certified mail or \$50.00 for service by the Sheriff's Office or Private Process Server.

NOTE: All hand-written, notarized statements may be considered by the Judge as hearsay and discarded. If your case depends on the testimony of a witness, it is best to have them in court in person.

CONDUCTING YOURSELF IN THE COURTROOM:

You should direct all questions and statements to the Judge. Do not direct any question or communication to the opposing party. Do not interrupt the Judge or the other party.

JUDGMENT:

The Court only decides who should prevail in a given suit. Courts traditionally are only responsible for deciding of disputes and not the enforcement of the judgment. It is totally plaintiff's responsibility to make sure that they are paid by defendant. If you have trouble collecting the money the Judge has awarded you, there are two possible actions you may take for collection: a Writ of Garnishment or a Writ of Execution.

GARNISHMENTS:

The Writ of Garnishment of wages will order an employer to withhold a certain amount of the defendant's paycheck, not to exceed 25% of the net pay. Sometimes a person will not make enough income to allow garnishment and those wages are protected by law. In this situation, another option is to garnish their bank account.

EXECUTIONS:

A Writ of Execution is more complicated. It is an order directing the Sheriff to seize the property of the defendant and sell it at public auction.