



ARKANSAS JUDICIARY

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Rule 10. Procedure In Small Claims Division.

(a) *Commencement of action ? Form of claim and notice to defendant.*

(1) Actions in the small claims division of district court shall be commenced whenever the claimant or the personal representative of a deceased claimant shall file with the clerk of the court a claim in substantially the following form:

In the District Court of _____, State of Arkansas

Small Claims Division

Plaintiff

vs. No. _____

Defendant

Defendant's Address: _____

Nature of Claim: _____

Nature and Amount of Relief Claimed: _____

Date Claim Arose: _____

Factual Basis of Claim: _____

Signature of Plaintiff

Plaintiff's Address

SUMMONS AND NOTICE TO DEFENDANT

You are hereby warned to file a written answer with the clerk of this court within thirty (30) days after you receive this claim and forward a copy to the plaintiff at the address above or a default judgment may be entered against you.

_____ (Signature of Clerk or Judge)

_____ District Court Clerk

Address: _____

RETURN OF SERVICE

STATE OF ARKANSAS

COUNTY OF _____

I, _____, certify that I served the within Claim Form on the defendant, _____, at _____ o'clock _____ .m. on _____, 2_____, by _____

_____ (Show manner of service)

Name and Office, if any

Subscribed and sworn to before me this _____ day of _____, 2_____,

(To be completed if service by other than a Sheriff, Constable, or Clerk)

Notary Public

My commission expires: _____

(2) *Preparation, etc., of claim form.* The plaintiff shall prepare the claim form as is set forth in this rule. The claim form shall be presented by the plaintiff in person. Upon receipt of the claim form and filing fee, the clerk shall file the claim form and proceed to assist the plaintiff in obtaining service on the defendant. In all cases, a copy of the answer in substantially the same form as set forth in this rule shall be included by the clerk with the claim form to be served on the defendant.

(3) *Service of process.*

(A) Unless service by the sheriff or other authorized person is requested by the plaintiff, the defendant shall be served by certified mail.

(B) The clerk shall enclose a copy of the claim form in an envelope addressed to the defendant at the address stated in the claim form, prepay the postage, the cost of which may be collected from the plaintiff at time of filing, and mail the envelope to the defendant by

certified mail and request a return receipt from addressee only. The clerk shall attach to the original claim form the receipt for the certified letter and the return card thereon or other evidence of service of the claim form. No separate summons is required.

(C) Service hereunder shall be in accordance with Rule 4 of the Arkansas Rules of Civil Procedure.

(b) *Answer by defendant.* A defendant shall file an answer with the clerk of the court within thirty (30) days after the service of the claim form upon the defendant. The defendant shall mail a copy of the answer to the plaintiff.

(c) *Form of answer - Affirmative relief.*

The defendant shall file with the clerk of the court his or her answer and assert any affirmative relief he or she may claim in substantially the following form:

In the District Court of _____

Small Claims Division

Plaintiff

vs.

No. _____

Defendant

Defendant's Address: _____

Reason for Denial of Plaintiffs Claim: _____

Nature and Amount of Affirmative Relief (if any): _____

Date Affirmative Claim Arose: _____

Factual Basis of Affirmative Claim: _____

Signature of Defendant

(d) Taking of evidence - Third-party practice.

(1) The plaintiff and the defendant shall have the right to offer evidence in their behalf by witnesses appearing at the hearing or, with the permission of the court, at any other time.

(2) Actions in the small claims division of district court shall be tried informally before the court with relaxed rules of evidence.

(3) No depositions shall be taken and no interrogatories or other discovery proceedings shall be used in proceedings, except in the aid of execution.

(4) No new parties shall be brought into an action in the small claims division of district court, and no party shall be allowed to intervene.

(e) Judgments and orders - Awarding of costs - Appeals.

(1) The judge may give judgment and make such orders as to time of payment or otherwise as may be deemed by him or her to be right and just. However, judgments and orders shall be in writing and entered upon the official record in the same manner as other judgments and orders of the district court.

(2) No prejudgment attachment or prejudgment garnishment shall issue in any suit in the small claims division of district court.

(3) Proceedings to enforce or collect a judgment shall be in all respects as in other cases, except that security interests may be proved at the same time as the proof of the claim. The order of judgment may include an order of delivery directing the sheriff to deliver the property subject to the security interests to the plaintiff. If the court issues an order of delivery, no further action shall be necessary on the part of the plaintiff to obtain possession of the property.

(4) Except as otherwise ordered by the court, no execution or enforcement proceedings shall issue on any judgment until after the expiration of ten (10) days from the entry thereof.

(5) The prevailing party in an action in the small claims division of district court is entitled to costs of the action, including the costs of service and notice directing the appearance of the defendant and the costs of enforcing any judgment rendered in the action.

(6) Appeals may be taken from the judgment rendered in the small claims division of district court in the same manner as other civil appeals are taken from district courts.

(f) Restrictions on participation by attorneys. See Administrative Order Number 18.

History Text:

History. Revised December 9, 2004, effective January 1, 2005; amended June 2, 2011, effective July 1, 2011.

Associated Court Rules:

District Court Rules

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