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#### Rule 1. Scope Of Rules.

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(a) Except as provided in subdivision (b), these rules shall govern the procedure in all civil actions in the district courts and county courts (hereinafter collectively called the "district courts") of this state. They shall apply in the small claims division of district courts except as may be modified by Rule 10 of these rules.

(b) These rules shall not apply to an appeal of a tax assessment from an equalization board to the county court. Rule 9 of these rules, however, shall apply to a tax-assessment appeal from county court to circuit court. (c) Where applicable and unless otherwise specifically modified herein, the Arkansas Rules of Civil Procedure and the Arkansas Rules of Evidence shall apply to and govern matters of procedure and evidence in the district courts of this State. Actions in the small claims division of district court shall be tried informally before the court with relaxed rules of evidence, see Rule 10(d)(2) of these rules.

(d) Rules specific to criminal proceedings in district court shall so indicate, and in such cases, such rules shall apply to actions pending in city courts.

(e) Other matters affecting district courts may be found in Administrative Order Number 18.

Amended November 18, 1996, effective March 1, 1997; amended May 24, 2001, effective July 1, 2001; revised December 9, 2004, effective January 1, 2005; revised October 9, 2008, effective January 1, 2009.

#### Rule 2. Jurisdiction And Venue Unaffected; Right To Jury Trial.

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(a) These rules shall not be construed to extend or affect the jurisdiction of the district courts of this State or the venue of actions therein.

(b) There shall be no jury trials in district court. In order that the right of trial by jury remains inviolate, all appeals from judgment in district court shall be de novo to circuit court.

History. Revised December 9, 2004, effective January 1, 2005

Rule 3. Commencement Of Action.

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A civil action is commenced by filing a complaint with the clerk of the proper court who shall note thereon the date and precise time of filing. However, an action shall not be deemed commenced as to any defendant not served with the complaint, in accordance with these rules, within 120 days of the date on which the complaint is filed, unless within that time and for good cause shown the court, by written order or docket entry, extends the time for service.

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005

Rule 4. Complaint.

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A complaint shall be in writing and signed by the plaintiff or his or her attorney, if any. It shall also: (a) state the names of the parties, the nature and basis of the claim, and the nature and amount of the relief sought; (b) warn the defendant to file a written answer with the clerk of the court, and to serve a copy to the plaintiff or his or her attorney, within 30 days after service of the complaint upon him; (c) warn the defendant that failure to file an answer may result in a default judgment being entered against him; (d) recite the address of the plaintiff or his or her attorney, if any; and (e) contain a proof of service form which shall be completed by the person serving the defendant. No separate summons is required.

**COMPLAINT - FORM**

\_\_\_\_\_ Court of \_\_\_\_\_, Arkansas

\_\_\_\_\_, Plaintiff

vs.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

Plaintiff's Address: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

Nature of Claim: \_\_\_\_\_

Nature and Amount of Relief Claimed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Claim Arose: \_\_\_\_\_

Factual Basis of Claim: \_\_\_\_\_

Plaintiff's Attorney, if any, and Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature of Attorney, if any, or of Plaintiff]

### SUMMONS AND NOTICE TO DEFENDANT

You are hereby warned to file a written answer with the clerk of the court within 30 days after the date that you receive this complaint and to send a copy to the plaintiff or to his or her attorney. If you do not file an answer within 30 days, or if you fail to file an answer, a default judgment may be entered against you.

\_\_\_\_\_

[Signature of Clerk or Judge]

### PROOF OF SERVICE

STATE OF ARKANSAS

CITY OF \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I served the within  
complaint on the defendant, \_\_\_\_\_, at o'clock \_\_\_\_\_.m.  
on \_\_\_\_\_ 2\_\_\_\_\_, by [state method of service].

\_\_\_\_\_

[Signature and Office, if any]

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_,

[To be completed if service is by someone other than sheriff or constable.]

\_\_\_\_\_

Notary Public or Court Clerk

My Commission Expires: \_\_\_\_\_

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005; amended June 2, 2011, effective July 1, 2011.

Rule 5. Service Of Complaint.

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(a) *By Whom Served.* A copy of the complaint shall be served upon each defendant by a sheriff or constable or any other person permitted to make service under Rule 4(c) of the Arkansas Rules of Civil Procedure.

(b) *Proof of Service.* The person serving the complaint shall promptly make proof of service thereof to the clerk of the court. Proof of service shall reflect that which has been done to show compliance with these rules. Service by one other than the sheriff or constable shall state by affidavit the time, place, and manner of service.

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005

Rule 6. Contents Of Answer; Time For Filing.

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(a) Contents of Answer. An answer shall be in writing and signed by the defendant or his or her attorney, if any. It shall also state: (1) the reasons for denial of the relief sought by the plaintiff, including any affirmative defenses and the factual bases therefor; (2) any affirmative relief sought by the defendant, whether by way of counterclaim, set-off, cross-claim, or third-party claim, the factual bases for such relief, and the names and addresses of other persons needed for determination of the claim for affirmative relief; and (3) the address of the defendant or his or her attorney, if any.

(b) Time for Filing Answer or Reply. A defendant shall file an answer with the clerk of the court within thirty (30) days after the service of the complaint upon the defendant. An answer to a cross-claim and a reply to a counterclaim shall be filed with the clerk of the court within 30 days of the date that the pleading asserting the claim is served. A copy of an answer or reply shall also be served on the opposing party or parties in accordance with Rule 5(b) of the Rules of Civil Procedure.

**ANSWER AND AFFIRMATIVE RELIEF - FORM**

\_\_\_\_\_ Court Of \_\_\_\_\_, Arkansas

\_\_\_\_\_, Plaintiff

vs.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

Defendant's Address:

\_\_\_\_\_

Reasons for Denial of Plaintiff's Claim: \_\_\_\_\_

Affirmative Defenses: \_\_\_\_\_

\_\_\_\_\_

Nature and Amount of Affirmative Relief Sought: \_\_\_\_\_

\_\_\_\_\_

Date Affirmative Claim Arose: \_\_\_\_\_

Factual Basis of Affirmative Claim: \_\_\_\_\_

\_\_\_\_\_

Names and Addresses of Other Persons Needed for Determination of Affirmative Claim:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant's Attorney, if any, and Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature of Attorney, if any, or of Defendant]

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing answer was served on [plaintiff or attorney for plaintiff, as appropriate] on the \_\_\_\_\_ date of \_\_\_\_\_, 2\_\_\_\_, by [state method of service used, e.g., hand delivery, mail, commercial delivery service].

\_\_\_\_\_

[Signature of Defendant or Defendant's Attorney]

Addition to Reporter's Notes, 2012 Amendment: The rule is revised to adopt the same 30-day

response time for district court cross-claims and counterclaims that applies to responses to complaints, cross-claims, and counterclaims in circuit court and to responses to district court complaints.

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005; amended June 2, 2011, effective July 1, 2011; amended May 24, 2012, effective July 1, 2012.

Rule 7. Jurisdiction; Effect Of Counterclaim, Cross-Claim, Or Third-Party Claim; Transfer.

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(a) *Subject Matter Jurisdiction.* The civil jurisdiction of district courts is set out in Administrative Order Number 18.



(b) *Plaintiff's Claim Exceeds Jurisdictional Amount.* If the plaintiff's claim is in an amount that exceeds the court's jurisdictional limit, the court, upon its own motion or upon motion of either party, shall dismiss the claim for lack of subject matter jurisdiction.

(c) *Compulsory Counterclaim or Set-off.* If a compulsory counterclaim or a set-off involves an amount that would cause the court to lose jurisdiction of the case, the court, upon its own motion or upon motion of either party, shall transfer the entire case to circuit court for determination therein as if the case had been appealed.

(d) *Permissive Counterclaim, Cross-Claim, or Third-Party Claim.* If a permissive counterclaim, a cross-claim, or a third-party claim involves an amount that would otherwise cause the court to lose jurisdiction of the case, the court shall disregard such counterclaim, cross-claim, or third-party claim and proceed to determine the claim of the plaintiff.

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005

Rule 8. Judgments; How Entered.

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(a) *By Default.* When a defendant has failed to file an answer or reply within the time specified by Rule 6(b) of these rules, a default judgment may be rendered against him.

(b) *Upon the Merits.* Where the court has decided the case, it shall enter judgment in favor of the prevailing party for the relief to which the party is deemed entitled.

(c) *Docket Entry.* The court shall timely enter in the docket the date and amount of the judgment, whether rendered by default or upon the merits.

(d) *Judgment Lien.* A judgment entered by a district court in this state shall not become a lien against any real property unless a certified copy of such judgment, showing the name of the judgment debtor, the date and amount thereof, shall be filed in the office of the circuit clerk of the county in which such land is situated.

History. Amended November 18, 1996, effective March 1, 1997; revised December 9, 2004, effective January 1, 2005

Rule 9. Appeals To Circuit Court.

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(a) Time for Taking Appeal From District Court. Within 30 days of the docket entry awarding judgment entered in accordance with Rule 8(c) of these rules, regardless of whether a written judgment is otherwise entered or filed, appeals in civil cases from district court to circuit court shall be filed with the clerk of the circuit court having jurisdiction of the appeal. The 30-day period is not extended by a motion for new trial, a motion to amend the court's findings of fact or to make additional findings, or any other motion to vacate, alter or amend the judgment.

(b) How Taken From District Court.

(1) A party may take an appeal from a district court by filing with the clerk of the circuit court having jurisdiction of the appeal (i) a certified copy of the district court's docket sheet which shows the entry awarding judgment and all prior entries or a certified copy of the record of the district court proceedings consisting of all documents and motions filed in the district court, and (ii) a certified copy of the complaint filed in the district court or, if filed in accordance with Rule 10 of these rules, a certified copy of the claim form filed in the small claims division of the district court. Neither a notice of appeal nor an order granting leave to appeal shall be required. The appealing party shall serve upon counsel for all other parties and upon any party not represented by counsel, certified copies of the district court docket sheet or the district court record and a certified copy of the district court complaint or claim form. Service upon counsel or a party not represented by counsel shall be effected as follows:

(A) By sending the copies by any form of mail requiring a signed receipt;

(B) By delivering the copies as described in Arkansas Rule of Civil Procedure 5(b)(2);

(C) By sending the copies by a commercial delivery company as described in Arkansas Rule of Civil Procedure 5(b)(2); or

(D) If service is upon counsel, by sending the copies by electronic transmission as described in Arkansas Rule of Civil Procedure 5(b)(2).

If service is by mail, the signed receipt shall be attached to the certificate of service. The following form may be used for the certificate of service:

Certificate of Service

The undersigned certifies that a true and correct copy of the certified copy of the district court docket sheet or the district court record and a certified copy of the district court complaint or claim form were served on \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, by [state method of service used, examples: mail with the signed receipt attached; hand delivery; commercial delivery service].

---

[Signature of person making service]

Failure to serve certified copies of the district court docket sheet or district court record and a certified copy of the district court complaint or claim form shall not affect the validity of the appeal. The filing of the certified copy of the district court complaint or claim form with the clerk of the circuit court shall constitute the filing of the complaint for purposes of commencing the action in circuit court in accordance with Arkansas Rule of Civil Procedure 3(a).

(2) If the clerk of the district court does not prepare or certify a record for filing in the circuit court in a timely manner, a party may take an appeal by filing an affidavit in the office of the circuit clerk, within forty (40) days from the date of the entry of the judgment in the district court, showing (i) that the appealing party has requested the clerk of the district court to prepare and certify the record for purposes of appeal and (ii) that the clerk has not done so within thirty (30) days from the date of the entry of the judgment in the district court. The appealing party shall promptly serve a copy of the affidavit upon the clerk of the district court and upon the opposing attorney or party. The circuit court shall acquire jurisdiction of the appeal upon the filing of the affidavit. On motion of the appealing party, the circuit court may order the clerk of the district court to prepare, certify, and file the record in the circuit court.

(3) If service of the certified copies of the district court docket sheet or record and the complaint or claim form is not made within 120 days after filing the district court complaint or claim form with the circuit court or within the time period established by an extension granted pursuant to this subdivision, the action shall be dismissed without prejudice upon motion or upon the court's initiative. The court, upon written motion and a showing of good cause, may extend the time for service if the motion is made within 120 days of the filing with the circuit court the district court complaint or claim form or within the time period established by a previous extension. To be effective, an order granting an extension must be entered within 30 days after the motion to extend is filed, by the end of the 120-day period, or by the end of the period established by the previous extension, whichever date is later.

*(c) Procedure on Appeal From District Court.*

(1) All the parties shall assert all their claims and defenses in circuit court. Within 30 days after a party serves upon counsel for all other parties, and upon any party not represented by counsel, certified copies of the district court docket sheet or district court record and a certified copy of the district court complaint or claim form, the party who was the defendant in district court shall file its answer, motions, and claims within the time and manner prescribed by the Arkansas Rules of Civil Procedure and the case shall otherwise proceed in accordance with those rules.

(2) At the time they file their complaint, answer, motions, and claims, the parties shall also file with the circuit clerk certified copies of any district court papers that they believe are material to the disputed issues in circuit court. Any party may also file certified copies of additional district court papers at any time during the proceeding as the need arises.

(3) As soon as practicable after the pleadings are closed, the circuit court shall establish a schedule for discovery, motions, and trial.

(4) Except as modified by the provisions of this rule, and except for the inapplicability of Rule of Civil Procedure 41, the Arkansas Rules of Civil Procedure shall govern all the circuit court



proceedings on appeal of a district court judgment as if the case had been filed originally in circuit court.

(d) *Supersedeas Bond on Appeal From District Court.* Whenever an appellant entitled thereto desires a stay on appeal to circuit court in a civil case, he shall present to the district court for its approval a supersedeas bond which shall have such surety or sureties as the court requires. The bond shall be to the effect that appellant shall pay to appellee all costs and damages that shall be affirmed against appellant on appeal; or if appellant fails to prosecute the appeal to a final conclusion, or if such appeal shall for any cause be dismissed, that appellant shall satisfy and perform the judgment, decree, or order of the inferior court. All proceedings in the district court shall be stayed from and after the date of the court's order approving the supersedeas bond.

(e) *Special Provisions For Appeals From County Court to Circuit Court.* Unless otherwise provided in this subdivision, the requirements of subdivisions (a), (b), (c), and (d) govern appeals from county court to circuit court. A party may take an appeal from the final judgment of a county court by filing a notice of appeal with the clerk of the circuit court having jurisdiction over the matter within thirty (30) days from the date that the county court filed its order with the county clerk. A certified copy of the county court's final judgment must be attached to the notice of appeal. In the circuit-court proceeding, the party who was the petitioner or plaintiff in county court shall have all the obligations of the plaintiff in a case that has been appealed from district court to circuit court. If there were no defendants in the county-court proceeding, then the petitioner/plaintiff shall name all necessary, adverse parties as defendants in its complaint filed in circuit court.

(f) *Administrative Appeals.*

(1) If an applicable statute provides a method for filing an appeal from a final decision of any governmental body or agency and a method for preparing the record on appeal, then the statutory procedures shall apply.

(2) If no statute addresses how a party may take such an appeal or how the record shall be prepared, then the following procedures apply.

(A) *Notice of Appeal.* A party may appeal any final administrative decision by filing a notice of appeal with the clerk of the circuit court having jurisdiction of the matter within thirty (30) days from the date of that decision. The notice of appeal shall describe the final administrative decision being appealed and specify the date of that decision. The date of decision shall be either the date of the vote, if any, or the date that a written record of the vote is made. The party shall serve the notice of appeal on all other parties, including the governmental body or agency, by serving any person described in Arkansas Rule of Civil Procedure 4(d)(7), by any form of mail that requires a return receipt.

(B) *The Record on Appeal.* Within thirty (30) days after filing its notice of appeal, the party shall file certified copies of all the materials the party has or can obtain that document the administrative proceeding. Within thirty (30) days after these materials are filed, any opposing party may supplement the record with certified copies of any additional documents that it believes are necessary to complete the administrative record on appeal. At any time during the appeal, any party may supplement the record with a certified copy of any document from the administrative proceeding that is not in the record but the party believes the circuit court needs to resolve the appeal.



(C) *Procedure on Appeal.* As soon as practicable after all the parties have made their initial filing of record materials, the court shall establish a schedule for briefing, hearings, and any other matters needed to resolve the appeal.

**Addition to Reporter's Notes, 2014 Amendment:** The amendment addresses several problems that have arisen in practice under District Court Rule 9. The rule prescribed that an appeal was taken from the district court by filing with the circuit clerk a certified copy of the district court's docket sheet, rather than the district court record as had been required prior to a 2008 amendment of the rule. In *Johnson v. Dawson*, 2010 Ark. 308, 365 S.W.3d 913, the appellant did not file the docket sheet but filed all of the actual documents in the case, in effect, the district court record. Since the appellant had not complied with the Rule 9(b) requirement that the docket sheet be filed, the Arkansas Supreme Court held that the circuit court did not have jurisdiction and upheld dismissal of the case. The amended rule allows perfecting the appeal either by filing a certified copy of the docket sheet or by filing a certified copy of the district court record (See *Johnson v. Dawson*, 2010 Ark. 308, 365 S.W.3d 913 (Brown, J., concurring) (suggesting that revision of the rule to allow appeal by filing either the docket sheet or the record would eliminate the harsh result of the case.) 2010 Ark. 308, 365 S.W.3d 913). District Court Rule 9 also required that, on appeal from district court, the plaintiff shall file a complaint and plead all its claims in circuit court. However, the rule was silent on what happened if the plaintiff failed to plead again by filing a complaint in circuit court. If the defendant appealed and the plaintiff failed to file a complaint in circuit court, the lack of procedural guidance from the rule could leave the circuit court with the undesirable choice of either dismissing the plaintiff's case and awarding judgment to the defendant due to the failure of the plaintiff to follow the dictates of the rule or allowing the case to proceed despite lack of compliance with the rule's re-pleading requirement. A survey of circuit court practices in regard to the re-pleading requirement found no uniform approach in dealing with the re-pleading issue. To a limited extent, the 2013 decision of *Circle D Contractors, Inc. v. Bartlett* ameliorated the repleading dilemma by holding that "[t]he requirement that a plaintiff refile its complaint in circuit court is not jurisdictional; it is procedural, thus only substantial compliance is required." 2013 Ark. 131, at 3. The amendment addresses the re-pleading problem by requiring that, on appeal by either party, a certified copy of the district court complaint or claim form must be filed with the circuit court clerk in addition to a certified copy of the district court docket sheet or the district court record. The amendment also provides that the filing in circuit court of the certified copy of the district court complaint or claim form constitutes the filing of the complaint for purposes of commencing the action in circuit court in accordance with the requirements of Arkansas Rule of Civil Procedure 3(a). After filing the certified copy of the district court complaint or the claim form, the case then proceeds in circuit court as prescribed by the Arkansas Rules of Civil Procedure with defendant filing its answer, motions, and claims within the time and manner prescribed by the rules and the plaintiff filing an amended complaint, if desired. This approach to resolving the re-pleading issue reinforces the view

expressed in the 2008 Addition to Reporter's Notes that "appeals from district court are appellate in form but original in fact." Although District Court Rule 9 required service of the appeal documents on all parties, the only method of service prescribed by the rule was by "any form of mail which requires a signed receipt." This single method of service made processing the appeal dependent on the person to be served signing the receipt for the mail. The revised rule provides several other methods of service in addition to service by signed return receipt mail. In addition, the rule provides that failure to serve the appeal documents does not affect the validity of the appeal. District Court Rule 9 previously did not prescribe a time limit for service of the appeal documents (under the revised rule the appeal documents are certified copies of the district court docket sheet or district court record and a certified copy of the district court complaint or claim form). Subsection (b)(3) of the revised rule borrows the Arkansas Rule of Civil Procedure 4(i) 120-day time limit for service of summons as the time limit for service of the appeal documents. As with Ark. R. Civ. P. 4(i), the time limit may be extended upon motion and a showing of good cause made within 120 days of filing the suit or within the time period established by a previous extension. The revision to District Court Rule 9 also addresses an issue that arose in the 2013 Court of Appeals decision of *Kankey v. State*, 2013 Ark. App. 68. In that case, within the time required for filing the record the appellant lodged what purported to be the complete, original district court record with the circuit court. However, the district-court record had not been certified when it was filed with the circuit court, although the district clerk later belatedly certified the record. The rule made no provision for belated preparation or certification of the district court record. The revised rule provides that if the clerk of the district court, after request, does not timely prepare or certify the record, a party may take an appeal by filing an affidavit with the circuit clerk within 40 days of the judgment showing that the appealing party requested preparation and certification of the record and that the clerk failed to do so within 30 days of the entry of the district court judgment. The filing of the affidavit gives the circuit court jurisdiction of the appeal and the circuit court may then order the clerk of the district court to prepare, certify, and file the record in circuit court. The revision is based on similar procedure under Arkansas Rule of Criminal Procedure 36(d). Several other minor changes to District Court Rule 9 are not substantive and are made to enhance the clarity of the rule and to delete rule language that the 2013 amendments rendered redundant, unnecessary, or confusing.

History. Amended May 26, 1987, effective July 1, 1987; amended November 18, 1996, effective March 1, 1997; amended January 22, 2004; revised December 9, 2004, effective January 1, 2005. Revised October 9, 2008; effective January 1, 2009; amended March 13, 2014, effective July 1, 2014.

#### Rule 10. Procedure In Small Claims Division.

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

#### Rule 11. Uniform Paper Size.

 [Printer-friendly version](#)  [PDF version](#)

All briefs, motions, pleadings, records, transcripts, and other papers required or authorized by these rules shall be on 8 1/2" by 11" paper.

History

History. Adopted May 15, 1989; revised December 9, 2004, effective January 1, 2005

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