

Iowa Judicial Branch Instructions for Filing a Small Claims Action for Money Judgment

I. Forms to Complete.

The forms you must use in Iowa Small Claims Court are available in fillable format on the Iowa Judicial Branch website under the “Court Rules and Forms” tab.

You (Plaintiff) will need the following forms to sue for a money judgment.

A. Small Claims Original Notice and Petitions for Money Judgment
(Forms 3.1, 3.3, or 3.4).

1. Use Form 3.1 if the person you are suing (defendant) lives in this state.
2. Use Form 3.3 if defendant is a nonresident motor vehicle owner or operator.
3. Use Form 3.4 if defendant is a nonresident or foreign corporation.
4. At the top of the Original Notice form, fill in the name of the county where you are filing the lawsuit.
5. Fill in your full name and specific address where indicated.
6. Fill in defendant’s full name and the specific address where defendant can be located. If there is more than one defendant, you must include the full name of each defendant and each defendant’s current address.
7. **Do not** fill in the “Small Claims No.” blank or the telephone number blank in the disability assistance notice in the caption.
8. Paragraph 1: Fill in the amount of money you believe defendant owes you and state the reason you believe defendant owes you the money. Do not include the amount of the filing fee or court costs in the amount you claim.
9. Sign the Original Notice at the bottom of the page. Deliver it to the clerk of court’s office in the county in which you are filing along with two copies of the completed Original Notice for each defendant named.

B. Verification of Account (Form 3.27). You must complete a separate Form 3.27 for each defendant. You must attach an itemized statement showing how you arrived at the amount of your claim.

C. Confidential Information Sheet. You must complete this form. This form is not a public record and the clerk of court will keep the information on this form confidential.

The above forms must be mailed or presented to the clerk of court’s office with the filing fee of \$85.00. To use these forms, your total claim cannot exceed \$5,000. The \$5,000 maximum claim does not include interest or court costs, and your total recovery could exceed \$5,000. If you are suing on a promissory note, be sure to include the original note.

II. How to Serve the Forms.

Each defendant must be informed of your lawsuit by receiving the Original Notice before a trial is held. You may serve each defendant with the Original Notice in the following manner:

- A. **Service by Sheriff.** If you choose this method to serve defendant, contact the sheriff in the county where defendant resides to arrange for service. Some sheriffs will bill you for their services. Other sheriffs require an advance fee with the documents to serve. Contact the Civil Process Division of the Sheriff's Department in the county where defendant resides to confirm applicable fees for service.
- B. **Certified Restricted Mail.** If you choose certified mail to serve defendant, enclose your check made payable to the Clerk of Court for the \$85.00 filing fee. Add \$10.00 for each party you wish to serve.
- C. If defendant resides out of state you may wish to use Form 3.3 or 3.4.

III. What Happens After Filing Your Case.

- A. Defendant generally must file an Appearance and Answer (Form 3.11) within 20 days after receiving service of the Original Notice. Defendant will have 60 days to answer if the secretary of state made service.
- B. The clerk of court will set a hearing date if defendant timely denies the claim or admits only part of the claim.
- C. If you receive full payment of your claim from defendant before the hearing date, you must file a Dismissal (Form 3.18) with the clerk of court.
- D. If defendant does not file an Answer within the allowed time, the court may enter a Default Judgment against defendant.
- E. If defendant files an Answer admitting the claim, the court may enter a judgment for the entire amount of the claim.
- F. You must appear in person at the hearing unless a lawyer appears for you. You should be prepared to produce proof of service of the Original Notice on defendant. Bring with you any documents you want the judge or judicial officer to consider. If you have witnesses, make sure they are present at the hearing.
- G. If you receive full payment of your claim from defendant after judgment is entered, you must file a Release and Satisfaction of Judgment (Form 3.23).

- H.** The clerk of court does not accept payments for the judgment amount, unless ordered by a judge or judicial officer. Payments should be made directly to the party entitled to the judgment amount or the party's attorney.
- I.** If you disagree with the court's decision or judgment after hearing, you may file a Notice of Appeal (Form 3.26) with the appropriate filing fee. The court may require you to provide a bond to delay execution of the judgment.
- J.** You should attend any hearing the court sets.

For more information, see Iowa Code chapter 631, the Iowa Judicial Branch website at www.iowacourts.gov, The Iowa State Bar Association website at www.iowabar.org, or the clerk of court office in your county (clerks of court cannot give legal advice).