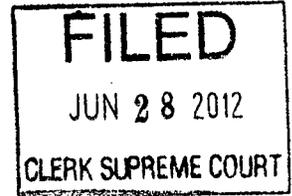


In the Supreme Court of Iowa



In the Matter of)
Forms for Court Orders) **Supervisory Order**
Issued in Small Claims Court)

The court has approved in a previous order new pleadings forms for use in small claims court pursuant to the recommendation of the Small Claims Forms Advisory Committee (SCFA Committee). The new forms shall be used exclusively, pursuant to Iowa Code section 631.15, beginning July 1, 2012. The SCFA Committee also recommends statewide use of forms for court orders issued in small claims court. By this order, the court approves the following attached forms for court orders:

- Form Order 3.1 Judgment Order
- Form Order 3.2 Order for Money Judgment by Default
- Form Order 3.3 Counterclaim Judgment Order
- Form Order 3.4 Order for Forcible Entry and Detainer
- Form Order 3.5 Order for Prejudgment Writ of Replevin with Bond
- Form Order 3.6 Order for Replevin Judgment
- Form Order 3.7 Order for Deferral of Costs
- Form Order 3.8 Order for Disposal of Abandoned Property
- Form Order 3.9 Order for Unpaid Taxes
- Form Order 3.10 Order to Submit Proof of Claim for Default
- Form Order 3.11 Motion Order
- Form Order 3.12 Order Re: Motion to Quash Garnishment

These forms shall not be published in Chapter 3 of the Iowa Court Rules, but shall be distributed by court administration to judges, magistrates, district court administrators, and other court personnel.

This order takes effect **July 1, 2012**.

Dated this 28th day of June, 2012.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

In the Iowa District Court for _____ County

Plaintiff(s)

Judgment Order

Small Claim No. _____

vs.

Defendant(s)

Judgment shall be entered in favor of Plaintiff(s), _____, against Defendant(s), _____, in the amount of \$_____ plus interest at the rate of ____% per annum from the ____ day of _____, 20____, plus court costs.

The amount of judgment includes pre-filing interest.

The judgment shall be paid as follows: Defendant(s) shall pay \$_____ every _____ with the first installment due on _____ and continuing on the _____ day of each month thereafter until the judgment, together with interest and costs, is paid in full.

Defendant(s) is (are) to make the payment directly to Plaintiff(s).

Defendant(s) is (are) further advised that if payments are not made as set forth above, upon the filing of an Affidavit of Default the entire amount of the judgment is due, and Plaintiff(s) can execute on the judgment for the entire amount without notice to Defendant(s).

This matter is dismissed:

With prejudice. Plaintiff(s) shall pay court costs.

Without prejudice. Plaintiff(s) shall pay court costs.

The counterclaim of Defendant(s) is dismissed:

With prejudice. Defendant(s) shall pay court costs.

Without prejudice. Defendant(s) shall pay court costs.

Other: _____

Reasons: _____

Copy given to Plaintiff(s). Appeal bond: \$_____.

Copy given to Defendant(s).

Clerk to notify Plaintiff(s).

Clerk to notify Defendant(s).

Magistrate/Judge

Form Order 3.2: Order for Money Judgment by Default

In the Iowa District Court for _____ County	
Plaintiff(s) _____ _____ Defendant(s) vs. _____ _____	Order for Money Judgment by Default Small Claim No. _____

The court file shows that Defendant(s) has (have) received proper notice and has (have) failed to timely appear. The relief requested is readily ascertainable from the Petition and proof shown. Pursuant to Iowa Code section 631.5(6) Defendant(s) is (are) in default and judgment is entered accordingly.

It is ordered that judgment is entered in favor of Plaintiff(s) and against Defendant(s), _____, in the amount of \$ _____ with interest at the rate of ____ % per annum from the ____ day of _____, 20____, plus attorney fees in the amount of \$ _____ and court costs of this action.

The amount of judgment includes pre-filing interest.

Defendant(s) is (are) to make the payment directly to Plaintiff(s).

Other: _____

Appeal bond: \$ _____.

- Copy given to Plaintiff(s).
- Copy given to Defendant(s).
- Clerk to notify Plaintiff(s).
- Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County

Plaintiff(s) _____ _____ vs. Defendant(s) _____ _____	Counterclaim Judgment Order Small Claim No. _____
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Judgment shall be entered in favor of Defendant(s), _____, against Plaintiff(s), _____, in the amount of \$_____ plus interest at the rate of ____% per annum from the ____ day of _____, 20____, plus court costs.

The amount of judgment includes pre-filing interest.

The judgment shall be paid as follows: Plaintiff(s) shall pay \$_____ every _____ with the first installment due on _____ and continuing on the _____ day of each month thereafter until the judgment, together with interest and costs, is paid in full.

Plaintiff(s) is (are) to make the payment(s) directly to Defendant(s).

Plaintiff(s) is (are) further advised that if payments are not made as set forth above, upon the filing of an Affidavit of Default the entire amount of the judgment is due, and Defendant(s) can execute on the judgment for the entire amount without notice to Plaintiff(s).

This Counterclaim is dismissed:

With prejudice. Defendant(s) shall pay court costs.

Without prejudice. Defendant(s) shall pay court costs.

The claim of Plaintiff(s) is dismissed:

With prejudice. Plaintiff(s) shall pay court costs.

Without prejudice. Plaintiff(s) shall pay court costs.

Other: _____

Reasons: _____

Copy given to Plaintiff(s). Appeal bond: \$_____.

Copy given to Defendant(s).

Clerk to notify Plaintiff(s).

Clerk to notify Defendant(s).

Magistrate/Judge

Form Order 3.4: Order for Forcible Entry and Detainer

In the Iowa District Court for _____ County

Plaintiff(s)

vs.

Defendant(s)

Order for Forcible Entry and Detainer

Small Claim No. _____

Judgment is entered based on the following:

- Defendant(s) failed to answer and appear by the required time.
- Defendant(s) failed to appear for trial.
- Plaintiff(s) failed to appear for trial.
- All parties failed to appear for trial.

It is ordered:

- That Defendant(s) be removed from the premises described below and that Plaintiff(s) be put in possession of the premises. Upon issuance of the Writ of Execution, the court commands the Sheriff of _____ County, Iowa, to remove Defendant(s) from the premises in the daytime, put Plaintiff(s) in possession of the premises, and remove from the property all persons claiming to hold property under or by virtue of authority of permission of Defendant(s). The court **further orders** that judgment be entered in favor of Plaintiff(s) and against Defendant(s) for the costs of this action and for all costs accrued on the Writ of Possession.

Description of Property: _____

- Writ of Possession shall issue on: _____.
- The claim of Plaintiff(s) is dismissed:
 - With prejudice. Plaintiff(s) shall pay court costs.
 - Without prejudice. Plaintiff(s) shall pay court costs.

Appeal bond: \$_____.

- Copy given to Plaintiff(s).
- Copy given to Defendant(s).
- Clerk to notify Plaintiff(s).
- Clerk to notify Defendant(s).

Magistrate/Judge

Form Order 3.5: Order for Prejudgment Writ of Replevin with Bond

In the Iowa District Court for _____ County

Plaintiff(s) _____ _____	Order for Prejudgment Writ of Replevin with Bond (Iowa Code section 643.5) Small Claim No. _____
vs. Defendant(s) _____ _____	

Plaintiff(s) has (have) filed a Petition for Replevin that meets the requirements of Iowa Code section 643.1. Plaintiff(s) applied for a Prejudgment Writ of Replevin.

The property at issue is:

and its value is \$ _____. Plaintiff(s) may not have immediate possession until Plaintiff(s) execute(s) a bond with sureties the clerk approves in the amount of \$_____ (Iowa Code section 643.7 requires the bond amount to be at least twice the value of the property). The bond must include the conditions that Plaintiff(s) will appear in court on the day the hearing is set, obtain a judgment, return the property if the court awards a return, and pay all costs and damages assessed against Plaintiff(s).

Upon posting the proper bond, Plaintiff(s) shall be entitled to immediate possession of the property described above, and the clerk of court shall accordingly issue a Writ of Replevin to the Sheriff of _____ County, Iowa.

- Copy given to Plaintiff(s).
- Copy given to Defendant(s).
- Clerk to notify Plaintiff(s).
- Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County

Plaintiff(s)

vs.

Defendant(s)

**Order for Replevin Judgment
(Iowa Code section 643.17)**

Small Claim No. _____

- It is ordered that judgment be entered in favor of _____
for possession of the following described property:

The value of the property is \$_____. Plaintiff(s) are entitled to immediate
possession of the property because (ownership, security interest, other):

The clerk of court is ordered to issue a Writ of Replevin to the Sheriff of _____
County, Iowa, directing the return of the property to Plaintiff(s).

- It is ordered that judgment be entered against Defendant(s) as damages for retention of the
property in the amount of \$_____ with interest at the rate of _____% from the
_____ day of _____, 20____, plus attorney fees in the amount of \$_____,
plus court costs.

- The claim of Plaintiff(s) is dismissed:

With prejudice. Plaintiff(s) shall pay court costs.

Without prejudice. Plaintiff(s) shall pay court costs.

- Prior-posted bond is released.

- Other: _____

Appeal bond: \$_____.

Copy given to Plaintiff(s).

Copy given to Defendant(s).

Clerk to notify Plaintiff(s).

Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County	
Plaintiff(s) _____ _____ Defendant(s) vs. _____ _____	Order for Deferral of Costs Small Claim No. _____

Plaintiff(s) request(s) deferral of the payment of the costs of the filing fee and service fee in this case.

- Having reviewed the financial statement(s) of Plaintiff(s), the court grants the request for deferral of costs.

The clerk of court is directed to file this action without pre-payment of filing fees, service fees, or costs. The court will assess service fees and court costs at the conclusion of this matter.

- The request of Plaintiff(s) for deferral of payment of costs is denied.

- Copy given to Plaintiff(s).
 Copy given to Defendant(s).
 Clerk to notify Plaintiff(s).
 Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County

Plaintiff(s)

vs.

Defendant(s)

Order for Disposal of Abandoned Property
(Iowa Code chapter 555B)
(Mobile Home and Personal Property in the Vicinity)

Small Claim No. _____

It is ordered that judgment be entered as follows: The property described as

has been abandoned.

Judgment is entered against Defendant(s), _____

in favor of Plaintiff(s), _____

for court costs and

- \$ _____ reasonable costs of removal
- \$ _____ storage costs
- \$ _____ expenses for preserving the property
- \$ _____ attorney fees

Claimant(s), _____, has (have) asserted a claim to the property. The judgment above must be satisfied before Claimant(s) may take possession of the property.

Check one of the following:

No claim to the property is asserted, or the judgment is not satisfied at the time of judgment entry, or both. **The court orders** that Plaintiff(s) shall be allowed to sell or otherwise dispose of the property pursuant to Iowa Code section 555B.9.

Claimant(s) has (have) satisfied the judgment at the time of its entry. Claimant(s) is (are) permitted and directed to remove the property from its location within the following reasonable time: _____

At the time of removal, Claimant(s) shall pay to Plaintiff(s) further rent or storage charges for the period up to the date of removal as follows:

The judgment shall be paid as follows: Defendant(s) shall pay \$_____ every _____, with the first installment due on _____ and continuing on the _____ day of each month thereafter until the judgment, together with interest and costs, is paid in full.

This matter is dismissed:

With prejudice. Plaintiff(s) shall pay court costs.

Without prejudice. Plaintiff(s) shall pay court costs.

Other: _____

Appeal bond: \$_____.

Copy given to Plaintiff(s).

Copy given to Defendant(s).

Clerk to notify Plaintiff(s).

Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County	
Plaintiff _____ vs. Defendant(s) _____ _____	Order for Unpaid Taxes Small Claim No. _____

It is ordered that judgment is entered in favor of Plaintiff and against Defendant(s) for unpaid taxes in the amount of \$ _____ plus interest at the rate of ____% per annum from the ____ day of _____, 20____, plus court costs of this action.

Payment of the judgment in installments is allowed as follows: Defendant(s) shall pay \$ _____ every _____ with the first installment due on _____, 20____, and continuing on the _____ day of each month until the judgment, including interest, attorney fees, and court costs, is paid in full. Defendant(s) shall make payments directly to the _____ County Treasurer's Office.

This matter is dismissed:

With prejudice. Plaintiff shall pay court costs.

Without prejudice. Plaintiff shall pay court costs.

Other: _____

Appeal bond: \$ _____.

Copy given to Plaintiff(s).

Copy given to Defendant(s).

Clerk to notify Plaintiff(s).

Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County	
Plaintiff(s) _____ _____ vs. Defendant(s) _____ _____	Order to Submit Proof of Claim for Default Small Claim No. _____

Now, on this _____ day of _____, 20____, the court, after reviewing the file in this matter, concludes that this court has jurisdiction in this matter and over Defendant(s), and that Defendant(s) is (are) in default.

In order to determine the amount of relief to which Plaintiff(s) is (are) entitled, Plaintiff(s) must file with the clerk of court proof of the claim(s) including all of the items specifically checked in the list below. All filings with the clerk of court must have this case number noted. This is the only request for proof the court will make. **If proof, including the times requested, is not submitted or if no further filings are made to the court, this case will be automatically dismissed without prejudice 30 days from the date of this order.**

Please note: If a court date is set below, you must appear at court with the requested information at the date and time set below.

- | | |
|---|---|
| <input type="checkbox"/> Return of service. | <input type="checkbox"/> Verification of Account (properly filled out). |
| <input type="checkbox"/> Copy of lease. | <input type="checkbox"/> Original check. |
| <input type="checkbox"/> Original note. | <input type="checkbox"/> Notice of returned check charge. |
| <input type="checkbox"/> Assignment of account. | <input type="checkbox"/> Copy of contract with interest rate. |
| <input type="checkbox"/> Repair receipt or estimate. | <input type="checkbox"/> Copy of invoice(s) or statement of invoice(s). |
| <input type="checkbox"/> Notice to cure default. | <input type="checkbox"/> Notice of sale of property and service. |
| <input type="checkbox"/> Payment record showing all debits and credits (including rental deposit, if any). | |
| <input type="checkbox"/> Document showing separately the principle and interest owed on date of filing. | |
| <input type="checkbox"/> Breakdown of principle and interest owing as of the date of filing. | |
| <input type="checkbox"/> Verification of the disposition of the collateral including price sold for and expense incurred in that sale, if any. | |
| <input type="checkbox"/> Proof showing reasons for depreciation of collateral. | |
| <input type="checkbox"/> Proof that the sale of collateral was "commercially reasonable" as Iowa Code section 554.9610 requires, including disclosure of the name of the purchaser. | |
| <input type="checkbox"/> Itemized statement of dollar amounts requested along with supporting documents. | |
| <input type="checkbox"/> Proof of damages claimed. | |
| <input type="checkbox"/> Other: _____ | |

It is ordered that Plaintiff(s) shall appear on the _____ day of _____, 20____, at _____ a.m / p.m. to prove up the amount claimed.
 Plaintiff(s) shall appear at the following location: _____

Copies to: Plaintiff(s)
 Attorney(s) for Plaintiff(s)

Magistrate/Judge

In the Iowa District Court for _____ County

Plaintiff(s)

vs.

Defendant(s)

Motion Order

Small Claim No. _____

If you need assistance to participate in court due to a disability, call the disability coordinator at _____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

This matter comes before the court on _____ motion.

It is ordered that:

- Motion of Defendant(s) to determine garnishment level; clerk shall set hearing.
- Motion of Defendant(s) to stay garnishment; clerk shall set hearing.
- Garnishment and condemnation is hereby ___stayed___ not stayed pending hearing.
- Motion of Defendant(s) for payment plan; clerk shall set hearing.
- Plaintiff(s) must obtain service on Defendant(s) on or before _____, 20__.
- This action is stayed pending bankruptcy proceedings and will be dismissed without prejudice in 90 days unless bankruptcy proceedings are still pending.
Plaintiff(s) shall be responsible for reporting to the court. See Iowa Code section 631.8.
- The clerk shall hold all funds pending bankruptcy or release to _____.
- This action is now stayed per notice of bankruptcy and any execution is stayed.
- Exhibits shall be released to _____ at the clerk of court's office.
- Motion to set aside shall be: ___ Granted ___ Set for hearing ___ Dismissed ___ Denied.
- Motion for change of Venue is: ___ Granted with costs to _____. ___ Denied
- Venue transfer to _____ County upon payment of court costs by Plaintiff(s).
- Motion to continue is: ___ Denied ___ Granted. Clerk shall set hearing.
- Motion shall be heard at time and date set for trial. See Iowa Code section 631.7(2).
- Resistance to motion must be filed on or before _____, 20__.
- Post trial motion is denied for lack of jurisdiction. See *Hyde v. Anania*, 587 N.W. 2d 647 (Iowa 1998); Iowa Code section 631.7.
- Defendant(s) request(s) that judgment be satisfied. Plaintiff(s) has (have) 20 days to object or judgment shall be satisfied *without hearing*.
- Judgment is hereby satisfied.
- Plaintiff shall provide post judgment accounting at time of hearing.
- Other: _____

Hearing is set for _____ at _____ a.m. / p.m. at the following location: _____

____ Copy given to Plaintiff(s). ____ Copy given to Defendant(s)
____ Clerk to notify Plaintiff(s). ____ Clerk to notify Defendant(s).

Magistrate/Judge

In the Iowa District Court for _____ County	
Plaintiff(s) _____ _____ vs. Defendant(s) _____ _____	Order Re: Motion to Quash Garnishment Small Claim No. _____

This file comes before the court on the Request of Defendant(s) for Relief from Garnishment.

- Defendant(s) testified to family income and monthly living expenses. Based upon the testimony, a review of the file, and Iowa Code chapter 642, the court finds that the Request for Relief should be granted.
- Assets of Defendant(s) are exempt.
- The Garnishment currently in effect is terminated. Any amounts withheld shall be given to the clerk of court. These monies shall then be disbursed as follows: \$ _____ shall be sent to Plaintiff(s) and the remaining amount returned to Defendant(s).
- Further Writs of Execution are withheld to allow Defendant(s) an opportunity to pay the balance of the judgment in installments. Defendant(s) shall pay \$ _____ every _____ with the first payment due on _____, 20____, until the judgment, together with interest and court costs, is paid in full. Payments are to be made directly to Plaintiff(s) or the attorney of Plaintiff(s), if any.

Failure to make the installment payments can result in the immediate issuance of a Writ of Execution on behalf of Plaintiff(s) without further notice to Defendant(s).

- The Request of Defendant(s) for Relief from Garnishment is denied.
- Other: _____

- Copy given to Plaintiff(s).
- Copy given to Defendant(s).
- Clerk to notify Plaintiff(s).
- Clerk to notify Defendant(s).

Magistrate/Judge

