

## **Iowa Judicial Branch**

### **Instructions for Defendant Responding to a Small Claims Action**

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.

#### **I. Answering a Petition for Money Judgment.**

- A.** You must electronically file your Appearance and Answer (eForm 3.11) with the clerk of court within 20 calendar days following the date you received service of the Original Notice and Petition for a Money Judgment.
- If you received service of the Original Notice from the secretary of state, you have 60 days from that date to file your Appearance and Answer with the clerk of court.
  - If you received service of the Original Notice from the department of transportation, you have 60 days *from the date of the filing of the Original Notice with the department of transportation* to file your Appearance and Answer with the clerk of court.
- B.** If you deny the claim or only admit part of the claim, a hearing will be set and you will be notified when to appear. If you fail to appear at the hearing a judgment may be entered against you for the full amount plaintiff claims.
- C.** Contact all witnesses who you want to testify for you. Subpoenas are available at the clerk of court office. Bring all witnesses and documents to the hearing that you want to present to the court. Be prepared to tell your side of the story.
- D.** You may file a Counterclaim if you believe plaintiff owes you money (eForm 3.13).
- E.** You may file a Cross-Claim against another defendant (eForm 3.14).
- F.** You may file a Petition against a third party you believe is responsible for plaintiff's claim (eForm 3.7).
- G.** If you wish to protect your property exempt from execution, you may file an Affidavit of Property Exempt from Execution (eForm 3.21).

For help registering and filing electronically, see the Iowa Judicial Branch website eFiling link and click on Training Documents, or go to the eFile (EDMS) Login page and click on User Guides and Training Documents.

#### **II. Answering a Petition for Forcible Entry and Detainer.**

- A.** You are entitled to at least three days notice before the hearing date.
- B.** You may file a Counterclaim for amounts due under the rental agreement (Form 3.13).
- C.** The court will consider a Petition for Forcible Entry and Detainer and a claim for unpaid rent separately.

- D. If you wish to contest the claim, attend the hearing. Contact all witnesses who you want to testify for you. Subpoenas are available at the clerk of court office. Bring all witnesses and documents to the hearing, including rent receipts, that you want to present to the court. Be prepared to tell your side of the story.

**If you do not attend the hearing, the court may enter a judgment against you.**

### **III. Answering an Action for Replevin.**

- A. Plaintiff may take the disputed property before the hearing if a bond is posted.
- B. Counterclaims are not allowed.
- C. Do not dispose of or hide the property plaintiff claims before the hearing.
- D. Bring proof of ownership of the property to the hearing.
- E. If you wish to contest the claim attend the hearing. Contact all witnesses who you want to testify for you. Subpoenas are available at the clerk of court office. Bring all witnesses and documents to the hearing that you want to present to the court. Be prepared to tell your side of the story.

**If you do not attend the hearing, the court may enter a judgment against you.**

### **IV. Responding to a Garnishment.**

- A. If the court has issued a Garnishment based on a judgment against you, you may contest the Garnishment by filing a Motion to Quash Garnishment and Request for Hearing (eForm 3.20) within 10 days from receiving a Notice of Garnishment (eForm 3.19).
- B. If you have income or property exempt from execution under Iowa law, you may file an Affidavit of Property Exempt from Execution (eForm 3.21).

### **V. Payment of Judgments and Appeals.**

- A. If you pay the claim before judgment is entered, plaintiff must file a Dismissal (eForm 3.18). If you pay the claim after the court enters judgment, plaintiff must file a Release and Satisfaction of Judgment (eForm 3.23). You may demand a Release and Satisfaction of Judgment by sending a request to plaintiff in writing containing a draft Release and Satisfaction of Judgment. All payments should be made to the party or the party's attorney.
- B. If you disagree with the court's decision or judgment after hearing, you may file a Notice of Appeal (eForm 3.26) with the appropriate filing fee. The court may require you to provide a bond to delay execution of the Judgment.

For more information, see Iowa Code chapters 631, 643, 648, the Iowa Judicial Branch website at [www.iowacourts.gov](http://www.iowacourts.gov), The Iowa State Bar Association website at [www.iowabar.org](http://www.iowabar.org), or the clerk of court office in your county (clerks of court cannot provide legal advice).