

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 180

Adopting Form Summons and
Answer for Small Claims Cases

IT IS ORDERED:

1. District Court Forms 1-1 and 1-2 appended hereto and incorporated in this order are hereby adopted. District Court Forms 1-1 and 1-2 shall be used as implemented by this order in every civil action in a District Court in which the plaintiff elects to proceed under AS 22.15.040 (small claims) and in every action over which a magistrate presides pursuant to AS 22.15.120.

2. District Court Forms 1-1 and 1-2 shall be implemented as follows:

(a) Summons -- One copy of Form 1-1 shall be served upon every defendant in the actions described above pursuant to the rules for service in District Court Civil Rule 10(a).

(b) Answer -- Three copies of Form 1-2 shall be served upon every defendant in the actions described above along with the summons, Form 1-1. If the defendant answers in writing, the court shall set a date for trial and so notify the parties by first class mail at the addresses shown on their pleadings. The defendant may appear personally to answer at any time within 14 days after receipt of the summons and complaint; the defendant need not be prepared for trial at that time. If the defendant appears in person to answer, a clerk of the court or the court shall summarize the defendant's statements on a Form 1-2, file such form in the record of the case and advise the defendant that he will be notified of a trial date by mail. The court shall set a date for trial and so notify the parties by first class mail at

the addresses shown on their pleadings. A copy of the defendant's answer shall be sent to the plaintiff with the notice of trial date.

(c) Trial Date -- The date set for trial shall not be less than 8 days from the date the court mails notice to the parties.

(d) Motions for Change of Venue -- If the defendant requests a change of place of trial, the court shall allow 7 days from the date of receipt of the answer for the plaintiff to file a written responsive statement. The court shall then consider the request for change in place of trial based upon the statement(s) of the parties. The court shall issue an order granting or denying the request and so notify the parties by first class mail at the addresses on their pleadings. If the request is granted, the action shall be transferred. If the request is denied, the court shall set a trial date as provided in part 2(c) of this order.

(e) Trial -- The court shall consider documentary or other evidence submitted by a defendant with his answer even if the defendant does not appear for trial. A general denial of liability in a written or oral answer raises every defense in law or fact to the claim stated in the complaint. This order shall not otherwise affect the conduct of a trial.

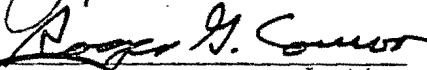
3. This order shall be effective July 1, 1974 except that no summons validly served before that date shall be invalidated on account of this order.

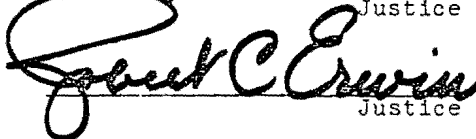
4. Approval of District Court Civil Form 1, Summons in Case Within Magistrate Jurisdiction, as published "in volume entitled 'Alaska Rules of Court Procedure and

Administration' (copyright 1962)" pursuant to Order
No. 40, December 21, 1962, is hereby rescinded.

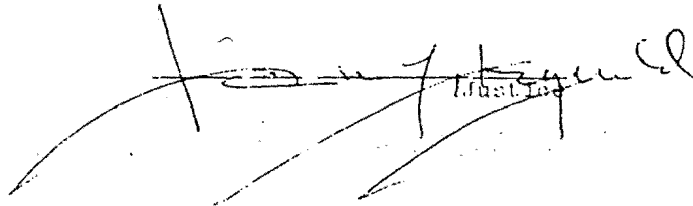
DATED: May 13, 1974


Chief Justice


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The District Court of the State of Alaska

Judicial District

At _____, Alaska

_____)
Plaintiff,)
vs.)
_____)
Defendant,)
_____)

No. _____

SUMMONS

TO: _____

You are summoned and required to answer the complaint which accompanies this summons.

If you disagree with what the Plaintiff has said in the complaint, you must tell the court in writing or in person why you disagree with it. Your statement to the court is called an answer.

You may answer by coming to the District Court at _____, (city & str. address) Alaska and telling the court your answer to the Plaintiff's complaint. Bring this summons with you to court. You must come to court within 14 days after you received the summons and complaint, not counting the day you received them.

OR

You may answer on Form 1-2, which is attached, by completing the Form and mailing one copy to the District Court at _____, _____, Alaska and the other copy to the Plaintiff at _____, _____. These copies must be mailed to reach the court and the Plaintiff within 14 days after you received the summons and complaint, not counting the day you received them.

You have the choice of: (a) giving your answer by coming to court, (b) giving your answer by filling out Form 1-2 and mailing it to the court and to the Plaintiff, or (c) not answering the complaint.

If you do not answer the complaint, the Plaintiff may ask the court to give judgment in his favor for the money he asks for in his complaint.

This case is a civil action; it is not a criminal case. The Plaintiff's complaint does not accuse you of any crime. If you lose your case the Plaintiff may only ask the court to take some of your wages, money, or property to pay for the judgment.

If you do answer the complaint, the court will set a date for trial of the case between you and the Plaintiff. This trial will be held at _____, Alaska unless you request on Form 1-2 to have the trial held in another place.

This is your copy of the summons and complaint. Keep it.

Dated at _____, Alaska, this _____ day of _____, 19__.

Clerk of the District Court

By: _____
Deputy Clerk

ANSWER

INSTRUCTIONS: If you agree that what the Plaintiff in his complaint is true, check this box. If you disagree, check the box next to the statements that tell why you disagree with what the Plaintiff has said in his complaint. If extra space is needed for your answer or request, use the other side of this paper.

What the Plaintiff says in his complaint is wrong:

_____ I owe him only \$ _____ because:

_____ I owe him nothing because:

REQUEST FOR CHANGE OF PLACE OF TRIAL

INSTRUCTIONS: You may request the court to move the place of trial. You should tell the court where you live, where you work, and why it would be expensive or difficult for you or witnesses to come to the District Court at the address on the summons for the trial of your case. You may ask for a change of place of trial only if you tell the court in your answer why the Plaintiff is wrong in what he says in his complaint. The Plaintiff shall have 7 days from receipt of your request to respond to your request in writing to the court, with a copy to be sent to you.

I request the court to change the place of trial to _____, Alaska because:

Dated at _____, Alaska this _____ day of _____, 19__.

Defendant

(Mailing Address)

INSTRUCTIONS ON MAILING: Mail one copy to the District Court of the State of Alaska, at the address on the summons; at the same time mail another copy to the Plaintiff at the address on the summons; these copies must reach the court and the Plaintiff before 14 days have passed after you received the summons and complaint; not counting the day you received them. Be sure to set forth your mailing address. You may keep a third copy for your own records.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 180

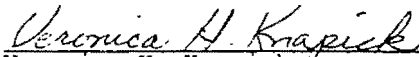
Amendment No. 1
Correcting Error in
Form Answer for Small
Claims Cases

By direction of the Court, IT IS ORDERED:

That before a small claims answer form, Form 1-2, is served upon a defendant, the word "says" shall be written in ink after the word "Plaintiff" in the first line of the first instruction box, so that the sentence reads, "If you agree that what the Plaintiff says in his complaint is true, check this box."

This order is entered for the purpose of correcting a typographical error, and it does not affect the validity of any summons or answer issued pursuant to ORDER NO. 180. This order shall remain in effect until such time as corrected forms are published by the Supreme Court.

DATED: June 25, 1974


Veronica H. Knapick
Deputy Clerk of the Supreme Court

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THE SUPRE COURT OF THE STATE OF ALI A

ORDER NO. 180

Amendment No. 2
Amending Paragraph 2(a).

IT IS ORDERED:

Paragraph 2(a) of Supreme Court Order No. 180 is deleted
and the following substituted therefor:

(a) Service of Summons by Mail. One copy of the Summons Form 1-1 shall be served upon every defendant in the actions described above. In addition to the method of service provided by Rule 10(a), District Court Rules of Civil Procedure, summons may be served within the state by registered or certified mail. Copies of the summons and complaint shall be mailed by the district judge, magistrate or clerk for delivery only to the party to whom the summons is directed. A delivery receipt returnable to the district judge, magistrate or clerk shall be required and must be signed by the party to whom the summons is directed. All returned delivery receipts shall be attached to the copy of the summons retained by the court.

Effective date: Nunc pro tunc as of July 1, 1974.

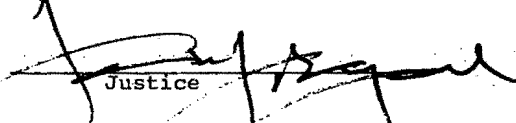
DATED: this 20th day of September, 1974.


Chief Justice


Justice


Justice


Justice


Justice

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