

1 **Rule 4-801. Filing small claims cases.**

2 Intent:

3 To establish a procedure for filing small claims cases in the appropriate justice court.

4 Applicability:

5 This rule shall apply to the courts of record and not of record.

6 Statement of the Rule:

7 Except where a jury trial is demanded, small claims actions shall be filed in a
8 justice court with territorial jurisdiction. If there is no justice court with territorial
9 jurisdiction, the case may be filed in the district court, and the plaintiff shall state why
10 no justice court has jurisdiction. If a small claims affidavit, without the required
11 statement, is presented for filing in a district court, the clerk shall reject it with
12 instructions to file in a justice court with jurisdiction. If the clerk fails to reject it
13 initially, the affidavit and filing fee shall be returned to the plaintiff when the
14 deficiency is first noticed.

15