

GENERAL CIVIL

PLEASE READ ALL OF THE FOLLOWING BEFORE YOU FILE YOUR PLEADINGS WITH THE COURT.

This is provided to you in order to help you file a case with the court or Response to a case in this Court. It will answer many of the most asked questions and give you a guideline to follow. **Remember, DO NOT ask a member of the Court Clerk Staff for legal advice:** they are not allowed to give such advice because (1) they are not attorneys or advocates and (2) it would be a possible conflict of interest.

1. A civil matter is started when someone files a PETITION or COMPLAINT. This Petition is the initial filing to open a case such as for a: Restraining Order, Monetary Judgment, Administration, Other Complaints, etc.
2. The person who files is called the Plaintiff/Petitioner. The person(s) against whom the action is filed is called the Defendant/Respondent.
3. When filling out this Petition/Complaint, please make sure you fill it out completely. All the information is requested for a good reason. Make sure you sign the Petition in front of a Notary before filing with the Court.
4. The filing fee is \$30.00. If you want it reduced/waived, you must file the Motion to reduce/waive filing fee which is included in this packet.
5. After filing the Petition/Complaint with the Court, the clerk will assign a case number.
6. Notice must be given to the Respondent of the action filed in court. You can provide service to the Respondent by Personal Service or Certified Mailing.
 - Personal Service: A person who is not a party to this case and over the age of 18, may personally hand deliver the papers to the Respondent. This person must then fill out an **AFFIDAVIT OF SERVICE** and file it with the court.
 - Certified Mailing: A person who is not a party to this case and over the age of 18, may mail the papers to the Respondent by **CERTIFIED MAIL**. This person must then fill out an **AFFIDAVIT OF SERVICE** along with the return receipt and file it with the court.
 - o Substituted Service is only allowed by court order if diligent efforts have been made to serve the papers by one of the methods listed above. Please refer to tribal code sections 2-2-71(b)(1) and (2).
7. If the Respondent wants to file an answer, please read the summons that is included in this petition packet.
8. A COPY OF ANYTHING THAT IS SENT TO THE COURT TO BE PUT IN THE FILE MUST BE SERVED ON THE OTHER PARTY, WITH PROOF OF SERVICE TO BE FILED AS SET OUT IN #6 ABOVE.

CHECKLIST

- ___ 1. PETITION/COMPLAINT completely filled out.
- ___ 2. NOTARIZED SIGNATURES
- ___ 3. NOTICE (SUMMONS) completely filled out.
- ___ 4. Filing fee of \$30.00 (, money order, or cashier's check)
OR
Motion to Reduce/Waive Filing Fee completely filled out.
- ___ 5. Obtain case number from court clerks.
- ___ 6. SERVE THE OTHER PARTY.
- ___ 7. FILE AFFIDAVIT OF SERVICE WITH COURT.
- ___ 8. AFTER 20 OR 30 DAYS OF FILING AFFIDAVIT OF SERVICE, FILE MOTION TO REQUEST HEARING

GENERAL RULES TO REMEMBER:

- 1. DO NOT ASK THE COURT CLERKS FOR LEGAL ADVICE**
- 2. FILL OUT ALL BLANKS IN THE PETITION/COMPLAINT AND SUMMONS.**
- 3. ANYTHING FILED WITH THE COURT NEEDS TO BE SERVED ON THE OTHER PARTY.**
- 4. NO HEARINGS WILL BE SCHEDULED WITHOUT A REQUEST FOR HEARING BY ONE OF THE PARTIES. All requests for hearing must be made by filing a motion with the court and specifying what type of hearing is being request.**

If you have any questions, please contact the clerk's office at the Tribal Court, (509) 634-2500, or if you need assistance filling out these forms, you can contact Adam Becker, Court Facilitator, at (509) 634-2505.

IN THE TRIBAL COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Plaintiff/Petitioner,)	Case No.: _____
vs.)	NOTICE (SUMMONS)
Defendant/Respondent.)	

TO THE RESPONDENT(S):

A lawsuit has been filed against you in the above-entitled court by the Petitioner indicated above. Petitioner's claim is stated in the written Petition, a copy of which is attached.

In order to defend against this lawsuit, you must answer the Petition by stating your defense in writing, and filing it with the court and serving a copy of it on the Petitioner herein within 20 days after the day you were served this Notice, exclusive of the day you were served. If service is made on the Respondent outside the Reservation, the Respondent shall have thirty (30) days in which to appear and answer the Petition. If you fail to do this a DEFAULT JUDGMENT may be entered against you. A default judgment is one where the Petitioner is entitled to what he or she is asking for in the Petition in writing.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written answer, if any, may be served on time.

This Notice (Summons) is issued pursuant to Section 2-2-70 of the Tribal Law and Order Code.

DATED this ____ day of _____, 20_____.

Petitioner's Name: _____

Address: _____

Original sent to the Colville Tribal Court, P.O. Box 150, Nespelem, WA 99155
SERVE A COPY OF YOUR RESPONSE ON: () Petitioner OR () Petitioner's Attorney at the address listed.

1 IN THE TRIBAL COURT OF
2 THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

3
4 _____) Case No.: _____
5 Plaintiff/Petitioner,) CIVIL COMPLAINT
6 vs.)
7 _____)
8 Defendant/Respondent.)
9 _____

10 I. JURISDICTION

11 The Colville Tribal Court has jurisdiction over this matter pursuant to Chapter 2 of the
12 Tribal Law and Order Code.

13 II. PETITIONER(S)

14 Petitioner(s) in this matter is/are: _____
15 Current physical address: _____
16 Mailing address: _____
17 Phone: _____
18 Petitioner [] is [] is not a member of the Colville Confederated Tribes.

19 III. RESPONDENT(S)

20 Respondent(s) in this matter is/are: _____
21 Current physical address: _____
22 Mailing address: _____
23 Respondent [] is [] is not a member of the Colville Confederated Tribes.

1 If the Respondent does not live on the Colville Reservation, this Court has personal
2 jurisdiction over him/her because (See CTC §§1-1-430 and 431): _____
3

4 **IV. FACTS**

5 Petitioner is basing the claim in the case on the following facts:
6
7
8
9

10 **V. INJURIES**

11 Injuries sustained as a result of the incidents alleged in paragraph IV above are:
12
13

14 **VI. RELIEF**

15 Based on the above, the Petitioner is asking for the following relief:
16
17

18 Dated this ____ day of _____, _____
19

20 _____
21 Signature of Petitioner

22 SUBSCRIBED & SWORN to me this ____
23 day of _____, 20____

24 _____
25 NOTARY PUBLIC in and for the state of
Washington, at _____ County
My commission expires: _____

7. I have the following monthly expenses and bills:

A. Medical: \$	B. Child Care: \$
C. Transportation: \$	D. Job Expenses: \$
E. Fixed Debts: \$	F. Unpaid Taxes: \$
G. Rent: \$	H. Utilities: \$
I. Groceries: \$	J. Phone: \$

K. Other (please state what they are and how much each is):

_____ \$

_____ \$

TOTAL: \$ _____

8. I am not able to pay the full amount of the \$30 filing fee because:

9. If the Court reduces the amount of the filing fee, I feel I would be able to pay \$ _____ instead of the full amount.

Dated this ____ day of _____, _____

Signature of Affiant

SUBSCRIBED & SWORN to me this _____
day of _____, 20_____

NOTARY PUBLIC in and for the state of
Washington, at _____ County
My commission expires: _____

ORDER

This matter came before the Court upon a Motion to Reduce or Waive the Filing Fee filed by the Petitioner in this matter. The Court, after reviewing the record and applicable law in this matter, makes the following determination:

It is hereby ORDERED, ADJUDGED, and DECREED that the filing fee is:

- waived
- reduced to \$ _____
- shall be paid in full before the case will be processed.

Dated this ____ day of _____, 20_____

Judge

IN THE TRIBAL COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

_____,
Plaintiff/Petitioner,

vs.

_____,
Defendant/Respondent.

Case No: _____

CERTIFICATE OF SERVICE/
ATTEMPTED SERVICE

I, (name): _____, hereby certify upon penalty of perjury:

1. I am age 18 or older *and* am not a party to this case.
2. I served court documents for this case to (name): _____, whose last known physical address is: _____
3. I served/attempted to serve the following documents: (check all that apply; if checking "other" give the title of the document)

<input type="checkbox"/> Petition/Complaint _____		
<input type="checkbox"/> Summons _____	<input type="checkbox"/> Answer _____	<input type="checkbox"/> Motion & Affidavit for TRO _____
<input type="checkbox"/> Motion & Affidavit for Fee Reduction/Waiver _____	<input type="checkbox"/> Order to Show Cause _____	<input type="checkbox"/> Motion & Affidavit _____
<input type="checkbox"/> Restraining Order _____	<input type="checkbox"/> Parenting Plan _____	<input type="checkbox"/> Child Support _____
<input type="checkbox"/> Temporary Order _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. I successfully gave the documents to the person listed in 2 by:
 - I personally gave the documents to him/her
 - I personally gave the documents to (name): _____, a person believed to be age 18 or older and of suitable discretion, who lives at the same address as the person listed in 2.
 - I personally mailed the documents by certified mail, return receipt requested, to the last known address listed below. The return receipt is attached to this Certificate of Service.
- I personally served/mailed the documents on _____ at _____ am/pm.
- I personally served the documents at/mailed the documents to the following address: _____

5. I was unable to successfully give the documents to the person listed in 2. I attempted to serve him/her on the following dates and locations: (list each date and place you attempted service; you may attach another sheet of paper if needed)

Date	Location	Additional Information

6. I further certify that I have examined the statements made in this document and that the facts contained in it are true and correct to the best of my knowledge.

Signed at (city and state) _____ Date _____

Signature of server

Print name of server