I.R.C.P. 81.a. Small Claims - Defaults.

Idaho Rules of Civil Procedure Rule 81(a). Small Claims - Defaults.

Small claims shall be prepared by the claimant upon a form furnished by the court and shall be filed by the clerk upon payment of the statutory filing fees, but the clerk may assist in the preparation of the claim form when requested by the claimant. Any individual, partnership, corporation or association may file a small claim as a plaintiff in the action which may be signed by an employee of the plaintiff. The court shall furnish to the plaintiff a form of answer at the time of filing the claim. Plaintiff must show by return of service or affidavit that instructions and form of answer were served upon the defendant(s) at the time of service of the claim. The instructions and answer shall notify the defendant that defendant must file the answer with the court, and unless filed within 20 days of service, default will be entered against defendant(s).

In the event defendant(s) fails to file an answer or request for trial, plaintiff may secure entry of default as provided in Rule 55, I.R.C.P. No judgment by default shall be entered for a plaintiff in a small claims hearing unless the plaintiff or employee establishes the claim by evidence satisfactory to the court. If the plaintiff or employee does not appear at the time set for hearing, or at any continuance thereof, the court may dismiss the claim with or without prejudice.

(Adopted April 11, 1979, effective May 1, 1979; amended March 28, 1986, effective July 1, 1986; amended Februay 10, 1993, effective July 1, 1993; amended April 14, 2000, effective January 1, 2001.)

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