

**IN THE DISTRICT COURT OF FRANKLIN COUNTY,  
KANSAS  
FOURTH JUDICIAL DISTRICT COURT**

NOTICE

To Those Filing Small Claims Petitions

Be forewarned that if you file your small claims in a county other than the county of the defendant's residence or the county in which the defendant will be served with a summons, (unless the defendant lived in said county at the time of the incident) your case may be dismissed (with the loss of your filing fee).

This notice is pursuant to K.S.A. 61-2708.

Dated this 2<sup>nd</sup> day of June, 2014

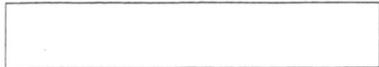


\_\_\_\_\_  
Kevin Kimball, District Magistrate Judge

\_\_\_\_\_ The defendant lives in Franklin County

\_\_\_\_\_ The defendant lived in Franklin County at the time of the incident

\_\_\_\_\_ The defendant can be served in Franklin County



For Office Use Only

### CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at [www.kscourts.org](http://www.kscourts.org).

**NATURE OF SUIT** (Click or mark in one circle only - If the case involves more than one of the following categories, indicate the category having the highest dollar value)

**CIVIL** If a CH. 61: \$ \_\_\_\_\_ (Judgment Demand Amount)

<b>TORT</b>	<b>CONTRACT</b>	<b>REAL PROPERTY</b>	<b>STATE TAX WARRANT</b>
Asbestos Product Liability	Buyer Plaintiff	Eminent Domain	
Automobile Tort	Employment Dispute - Discrimination	Mortgage Foreclosure	
Intentional Tort	Employment Dispute - Other	Other Real Property	
Legal Malpractice	Fraud		
Medical Malpractice	Landlord/Tenant - Unlawful Detainer	<b>MISCELLANEOUS</b>	
Other Professional Malpractice	Landlord/Tenant Dispute - Other	60-1507	
Premises Liability	Seller Plaintiff (debt collection)	Habeas Corpus	
Slander/Libel/Defamation	Other Contract	Other Writs	
Tobacco Product Liability			
Toxic/Other Product Liability	<b>CIVIL APPEALS</b>	<b>OTHER CIVIL</b>	
Other Tort	Administrative Agency		
	Other Civil Appeal	<input checked="" type="checkbox"/> <b>SMALL CLAIMS</b>	

**DOMESTIC**

<u>MARRIAGE DISSOLUTION/DIVORCE</u>	<u>PROTECTION FROM ABUSE</u>	<u>PROTECTION FROM STALKING</u>	<u>UIFSA</u>
<u>OTHER DOMESTIC RELATIONS</u>	<u>NON-DIVORCE SUPPORT, CUSTODY OR VISITATION</u>	<u>PATERNITY</u>	

**PROBATE/ESTATE**

<u>GUARDIAN /CONSERVATOR</u>	<u>DETERMINATION OF DESCENT</u>	<u>ELDER ABUSE</u>	<u>ADOPTION</u>
Conservatorship/Trusteeship			
Guardianship - Adult	<u>SEXUALLY VIOLENT PREDATOR</u>	<u>OTHER PROBATE / ESTATE</u>	
Guardianship - Minor			
Guardian/Conservator - Adult	<u>DECEDENT ESTATE</u>	<u>CARE AND TREATMENT</u>	
Guardian/Conservator - Minor			

**JURY DEMAND** YES (Check yes only if jury demand is included in petition or as a separate pleading) NO

**SUMMONS ATTACHED:** YES NO

**SERVICE BY:** PROCESS SERVER/ATTORNEY SHERIFF IN STATE \_\_\_\_\_ County SHERIFF OUT OF STATE \_\_\_\_\_ State

**SHERIFF'S PROCESS FEE ATTACHED** YES NO

**PLAINTIFF / SUBJECT INFORMATION**  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_  
SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
DL OR STATE ID NO: \_\_\_\_\_  
State and Number

ALIAS NAMES USED: \_\_\_\_\_

**DEFENDANT / OTHER PARTY INFORMATION**  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_  
SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
DL OR STATE ID NO: \_\_\_\_\_  
State and Number

ALIAS NAMES USED: \_\_\_\_\_

**ATTORNEYS**  
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTORNEYS (if known)**  
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF EACH DEPENDENT CHILD:**  
(Name) (Date of Birth) (Social Security Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The requirement that Social Security numbers be included on domestic cases is mandatory, and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

**IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS  
SMALL CLAIMS PROCEDURE**

\_\_\_\_\_  
**PLAINTIFF** (Name, Address, and Telephone Number)

vs.

\_\_\_\_\_  
**DEFENDANT** (Name, Address, and Telephone Number)

Case No. \_\_\_\_\_

**PETITION** Pursuant to Chap. 61 of K.S.A.

TO PLAINTIFF: Read instructions on page two of this form. Set forth a short and plain statement of claim below.

Plaintiff, having read the instructions on the bottom of the petition, asserts the following claim against the above named defendant(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the claim stated above, judgment is demanded against defendant (s) as follows: (check one of the applicable provisions)

- Payment of \$ \_\_\_\_\_, plus interest, costs, and any other damages awarded under K.S.A. 60-2610.  
 Recovery of the following described personal property, plus costs - estimated value of property \$ \_\_\_\_\_. (Not to exceed \$4,000.00)

The plaintiff hereby swears that, to the best of his/her knowledge and belief, the above claim asserted against the defendant(s) (including the estimate of value of any property sought to be recovered) is a just and true statement, exclusive of any valid claim or defense which defendant(s) may have.

\_\_\_\_\_  
Plaintiff's Signature

Subscribed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk/Deputy Clerk/Notary Public

\* Request for Service by \_\_\_\_\_ County Sheriff's Department

\_\_\_\_ **PERSONAL**  
\_\_\_\_ **CERTIFIED MAIL**

The trial on this matter is set for \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_:\_\_\_\_\_ p.m.,  
at FRANKLIN COUNTY DISTRICT COURT, 301 SOUTH MAIN, OTTAWA, KANSAS, 66067.

**TO THE SHERIFF:**

The summons must be served and your return of service made promptly, in any event, your return is due no later than \_\_\_three\_\_\_ five days before the date stated in the summons for the defendant to appear.

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**INSTRUCTIONS TO PLAINTIFF**

1. State the claim you have against the defendant(s) in the space provided on the petition form. Be clear and concise.
2. Your total claim against defendant may not exceed \$4,000.00 not including interest, costs, and any damages awarded under K.S.A. 60-2610. If you are seeking the recovery of personal property, the value of that property shall be based on your estimate of its value under oath.
3. You must be present in person at the hearing in order to avoid default judgment against you on any claim defendant(s) may have which arises out of the transaction or occurrence which is the subject of your claim against the defendant(s).
4. You must make demand for judgment in the spaces provided on the petition form.
5. Neither you nor the defendant(s) are permitted to appear with an attorney at the hearing.
6. You may not file more than ten (20) small claims under the Small Claims Procedure Act in this court during any calendar year.
7. After completing the petition form, you must subscribe to the oath.