

FED SAMPLE

SMALL CLAIMS PROCEDURES/FED INFORMATION

YOU MUST APPEAR IN COURT ON YOUR COURT DATE, WHETHER YOU HAVE SERVICE OR NOT.

I The docket will be called at 9:00 a.m. for small affidavits and 10:00 a.m. for evictions. When your name is called, please inform the Judge that you are here and whether you are the plaintiff or the defendant.

- A. If the plaintiff is present and there is good service, but the defendant does not appear, the Judge will decide the case.
- B. If the plaintiff is present and there is not good service, the plaintiff must go to the Court Clerk's office to file an Alias Affidavit (FED) and the **court room clerk will give you a minute order with signature for authorization to issue an alias**, if the plaintiff wishes to continue with the lawsuit.
- C. If the plaintiff is not present, but the defendant is present, the case may be dismissed.
- D. If neither the plaintiff nor the defendant appears, the case could be stricken or dismissed, depending on service.

2. Good service means that the affidavit or summons has been delivered to the defendant according to the requirements of the law. Unless these requirements are met, the law does not permit the Judge to give the plaintiff judgment. This is true even if the defendant knows the date and time of the hearing.

3. After the docket has been called, there will be a recess for the Judge to sign the Journal Entries (judgments) for those who have received judgment,

- A. Journal Entries must be checked by the bailiff or clerk before presentation to the Judge for signature.
- B. The clerk will prepare the Journal Entries for those who need them after the Judge signs pre-prepared judgments.
- C. When the Journal Entry is presented to the Judge, he/she will determine the right to recover. Please have ready any promissory notes, repair estimates or other documents for the Judge to inspect.
- D. After the Judge has signed the Journal Entry, take it to the Court Clerk's office (fourth floor room 409) to file it.

4. Agreed Journal Entry

- A. During the recess, the plaintiff and defendant may reach an agreement.
- B. If the parties reach an agreement, then the defendant and plaintiff both sign the Journal Entry. The Journal Entry must show the amount owed.
- C. The defendant leaves after signing Entry and the plaintiff may present it to the Court for signature. The plaintiff will then file journal entry.

5. All Journal Entries must be signed on the day they are heard in court unless specific permission is obtained from the Judge.

6. After the recess to sign Journal Entries, the contested cases will be heard. Both parties to the lawsuit are expected to present all witnesses and evidence at that time

7. When the Judge makes a decision, the court will award court costs and attorney fees, if applicable. The Judge cannot help collect the judgment. For advice on how to collect the judgment, consult an attorney

BE SURE TO SIGN YOUR NAME IN FRONT OF THE CLERK

NOTICE

RE: Alias Affidavit –Small Claims

Alias Summons-Forcible Entry and Detainer (F.E.D.)

Your case may be dismissed unless you immediately notify the Clerk for the Judge assigned to your case that the hearing has been rescheduled. Take a copy of the filed alias affidavit or alias summons to the Judge's office after you leave the counter. Inform the clerk of the original hearing date the rescheduled date. Show the document to the clerk to confirm the new hearing date. All Alias need to have an authorization by the Judge's Chambers this is given to plaintiff by Court Room Clerk

SMALL CLAIMS /FED INFORMATION

Small Claims suits may be brought for amounts in controversy not exceeding \$10,000.00

Forms to initiate a Small Claims or FED action are available in the Court Clerk's office. You will need to provide the correct name and address for service on the defendant. You must complete the required forms and designate the type of service.

Small Claims filing fees are:

\$219.14 for a claim from 5000.00 to \$10,000.00, plus service.

\$58.00 for a claim from \$1 to 5,000.00, plus service.

FED filing fees are:

\$154.14 for a claim from 5000.00 to \$10,000.00, plus service.

\$58.00 for a claim from \$1 to 5,000.00, plus service.

Service Fees

Service by certified mail is \$10.00, or \$11.41 for Small claims affidavits, if defendant is an individual and the Court Clerk does the Mailing

Service by sheriff is \$50.00.

Private Process servers set their own rates

FILING FEES ARE TO BE PAID AT THE TIME OF FILING.

Affidavits are set for hearing approximately 4 to 6 weeks after the case is filed.

Evictions are set for hearing approximately 8 days after the case is filed.

The Court Clerk's office is located at 320 Robert S. Kerr Avenue, 4th floor, room 409. Our office is open from 8 a.m. to 5 p.m., Monday through Friday, except on legal holidays.

Edmond Office-Monday through Friday from 8:00 am until 5:00 pm at 7 North Broadway, Oklahoma (NW corner of Main and Broadway closed from 12-1 for lunch)

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

PROPERTY OWNERS NAME _____

YOUR ADDRESS (INCLUDE STREET, CITY, STATE & ZIP CODE _____

TELEPHONE NUMBER _____

Plaintiff

VS

CASE NO. _____

PERSON OR PERSONS TO BE EVICTED _____

Defendant

**PETITION
FORCIBLE ENTRY AND DETAINER**

Comes now the plaintiff, _____ PROPERTY OWNERS NAME _____, and for cause of action
Against the defendant, _____ PERSON OR PERSONS TO BE EVICTED _____, alleges and states;

1

That the plaintiff is now, and at all times of which he complains, the owner of certain premises situated and described
As follows:

ADDRESS OF PROPERTY THAT YOU WANT THE DEFENDANT(S) EVICTED FROM
INCLUDE STREET, APARTMENT #, CITY, STATE AND ZIP CODE

_____STREET NAME AND APARTMENT # Street, _____CITY LOCATED IN _____ City, Oklahoma County, State of
Oklahoma, and is entitled to immediate possession thereof.

2

That defendant _____PERSON OR PERSONS TO BE EVICTED_____, entered into a rental agreement with plaintiff
Whereby he agreed to pay \$ _____AMOUNT PER MONTH_____, per month rental on said premises. That the defendant, at the present
Time, is in default on said rental in the amount of \$ _____TOTAL AMOUNT OWED_____.

3

That the notice to quit required by law has been served upon the defendant.

WHEREFORE, plaintiff pray for judgment against the defendant for possession and control of the premises; for judgment in
The amount of \$ _____; and plus rent arrearage to date of judgment; for the costs of this action;
And reasonable attorney fees in the amount of \$ _____.

X _____SIGN HERE IN FRONT OF DEPUTY CLERK_____
Plaintiff

Signed and sworn to before me on this _____ day of _____, 20 _____.

RICK WARREN COURT CLERK

BY: _____
Deputy

Clerk of the Court (or Judge)

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

PROPERTY OWNERS NAME _____

YOUR ADDRESS (INCLUDE STREET, CITY, STATE & ZIP CODE)

Plaintiff

VS

CASE NO. _____

PERSON OR PERSONS TO BE EVICTED _____

Defendant

**SUMMONS
FORCIBLE ENTRY AND DETAINER**

The State of Oklahoma to the within-named defendant:

PERSON OR PERSONS TO BE EVICTED _____

You are hereby directed to relinquish immediately to the plaintiff herein total possession of the real property described as
ADDRESS OF THE PROPERTY THAT YOU WANT THE DEFENDANT(S) EVICTED FROM _____

PLEASE INCLUDE STREET, APARTMENT NUMBER, CITY STATE AND ZIP CODE _____

or to appear and show cause why you should be permitted to retain control and possession thereof.

This matter shall be heard at the County Courthouse, in Oklahoma City, County of Oklahoma, State of Oklahoma, at the
Hour of HOUR o'clock of DAY day of MONTH, 20 YEAR.

or at the same time and place three (3) days after service hereof, whichever is the latter. (This date shall be not less than five (5)
days from the date summons is issued). You are further notified that if you do not appear on the date shown, Judgment will
be given against you as follow:

For the amount of the claim for deficient rent and/or damages to the premises, as it is stated in the affidavit of the
plaintiff and for possession of the real property described in said affidavit, whereupon a writ of assistance shall issue directing
the sheriff to remove you from said premises and take possession thereof.

In addition, a judgment for costs of the action, including attorney's fees and other costs, may also be given.

Dated this _____ day of _____, 20 ____.

RICK WARREN COURT CLERK

BY: _____
Deputy

Clerk of the Court (or Judge)

Plaintiff or Attorney

Address

Telephone

Before Judge _____