

**GEARY COUNTY DISTRICT COURT  
8<sup>TH</sup> JUDICIAL DISTRICT  
STATE OF KANSAS**

**LIMITED CIVIL PROCEDURE**

The attached policies and procedures apply to the Chapter 61 filings in Geary County District Court.

Honorable Laura Viar will hear the Chapter 61 Limited Civil dockets in 2023.

Geary County District Court  
138 East 8<sup>th</sup> Street  
Junction City KS 66441

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<https://www.8thjd.com>

**Geary County District Court  
2023 Limited Civil Court Days  
Judge Viar**

<b>January</b>	3, 17, 24 & 31
<b>February</b>	14, 21 & 28
<b>March</b>	21
<b>April</b>	4, 18 & 25
<b>May</b>	2, 16, 23 & 30
<b>June</b>	20 & 27
<b>July</b>	18 & 25
<b>August</b>	1, 15, 22 & 29
<b>September</b>	5, 19 & 26
<b>October</b>	10, 17, 24 & 31
<b>November</b>	7, 21 & 28
<b>December</b>	12 & 19

1:30PM – Forcible Detainers/Evictions	(20 cases maximum)
2:00PM – Bond App/Answers/AIE/Contempt/Motions	(50 cases maximum)
3:00PM – Pretrial Conferences/Bench Trials	(5 PT or 1 BT maximum)
<b>Attorneys MUST contact the Clerk’s Office for available dates prior to filing for a hearing date and then file documents in a timely manner to ensure those slots are still available.</b>	
<p>**Beginning 2016, we will require all Chapter 61 Limited Actions to include in a separate document filed with the Petition a written verification or affidavit of debt. This document <b>MUST</b> be from the business the attorney is representing for collections.</p>	

### FILING PROCEDURES

The following is required to file a Limited Civil case by a pro se litigant:

1. Civil Information Sheet
2. Petition - original for the file, one copy for each defendant, one copy for a file-stamped copy for plaintiff (stamped self-addressed envelope must accompany any request for copies to be returned to plaintiff). All copies must be attached to the original petition by paper clip.
3. It is required on all Chapter 61 Limited Actions to include in a separate document filed with the Petition a written verification or affidavit of debt. This document **MUST** be from the business the attorney is representing for collections.
4. Summons – one copy for service to each defendant, one copy for each return by sheriff. The Clerk’s office will not prepare summons.
5. Docket fee –

Amount of Claim	Docket Fee Amount
\$500 or less	\$54.00
\$500.01 to \$5,000	\$74.00
\$5000.01 or more	\$120.00

Separate docket fee checks are required for multiple filings.
6. OR, Poverty Affidavit – pursuant to K.S.A. 61-4001(b).
7. Sheriff’s fee - \$15.00 per service of process by the sheriff, made payable to the sheriff. No personal checks accepted.

## ANSWER HEARING DATES

Answer hearings will be set not less than 14 nor more than 50 days after the summons is issued, pursuant to K.S.A. 61-3002(b). The plaintiff's attorney should select dates and times from the tables on page 2 for answer hearings and insert the appropriate dates and times on the summons form.

Plaintiff's attorney or pro se plaintiff is required to be present at the answer hearing. Failure to appear at the answer hearing will result in dismissal of the case.

## SERVICE OF PROCESS

Service may be completed in accordance with K.S.A. 61-3003, et seq. If service is to be by process server, the appointment of process server must be completed prior to the request for service.

After service returns are received from the Sheriff and scanned into the case, it will be available for attorneys in e-flex. Returns on pro se cases will be emailed or mailed to the appropriate party. If no service was obtained, the case will be removed from the docket. If the Clerk of the District Court has not received the sheriff's return by the answer hearing date, the case will remain on the docket, anticipating a return at a future date. **ALL RETURNS MUST PROVIDE THE DOCUMENTS THAT WERE SERVED ON THE DEFENDANT;** for the majority of cases this will include the Notice of Hearing, Summons and Petition. **IF THE PLAINTIFF IS ASKING FOR A DEFAULT JUDGMENT THERE MUST BE PROOF IN THE FILINGS THAT THE DEFENDANT RECEIVED PROPER NOTICE OF THE TIME, DATE, AND LOCATION OF THE HEARING.**

If service is not obtained, the plaintiff's attorney or pro se plaintiff may file an alias summons for a new answer hearing.

## JUDGMENTS

All journal entries of judgment in limited civil actions shall contain the following language, which shall appear in the first paragraph of the Journal Entry:

“Attorney/plaintiff hereby certifies that the file in the above captioned case reflects that each defendant against whom judgment is entered has been properly served with summons or process herein and that this Court has jurisdiction to enter the judgment requested.”

All journal entries of judgment, aids in execution, citations to show cause, requests for bench warrants and any other documents shall be submitted to the Clerk of the

District Court or through e flex for processing. After review and signature, the presiding judge will return such documents to the clerk.

Any paperwork not meeting the specifications as required by the presiding judge shall be returned to the plaintiff's attorney or pro se plaintiff for correction and resubmission.

Pursuant to Supreme Court Rule 187, costs shall be assessed and collected by the judgment creditor in those cases where payment of an advance cost deposit is excused under K.S.A 28-110 and K.S.A. 60-2005. Upon collection of costs, the judgment creditor shall pay the same to the clerk as set out in subsection (f) of Supreme Court Rule 186.

### **ATTORNEY FEES**

Fees for default worthless check cases shall not exceed \$270.00. Exceptions will be considered by the judge only upon filing of a motion and hearing on the issue.

### **DISMISSALS**

When a stipulation of dismissal signed by all parties is received, the Clerk will process the stipulation and remove the case from the pending case list. When a request for dismissal is received from the plaintiff's attorney or pro se plaintiff, but is not signed by the defendant, the Clerk will process the request only if there is no answer of the defendant on file in the case.

On a regular basis, the Clerk of the District Court will review pending cases. Pursuant to K.S.A. 61-2912, any case which has been without activity for 60 days or more will be placed on the inactivity dismissal list. Notice will be sent to all parties, and if no further action is taken, the case will be dismissed 30 days from the date of notice. Any request for removal from the inactivity dismissal list **must** be by written motion and order, and must state the reason for removal. No appearance is required. Once the case is dismissed, any motion for reinstatement must be set for hearing before the Court.

One motion and order to remove a case from the inactivity dismissal list will be allowed. Motions and orders to remove a case from the inactivity dismissal list must be filed at least 10 days prior to the dismissal date.

One motion and order to reinstate a case after dismissal will be allowed. Motion to reinstate a case will be granted only if the dismissal was done less than 30 days prior to the filing of the motion.

## **POST-JUDGMENT ACTIONS**

Assignment of a judgment debtor's income tax refund to the judgment creditor must be set forth in a journal entry and signed by the presiding judge and the judgment debtor. Any such journal entry that is missing the judgment debtor's signature will be denied.

Citations to show cause must be accompanied by a notarized affidavit from the judgment creditor or the judgment creditor's attorney. Citations will not be issued from an aid in execution hearing that occurred more than six months prior.

Bench warrants resulting from a citation to show cause must be accompanied by a notarized affidavit from the requesting attorney. The citation must have been served by personal service by a law enforcement officer on the judgment creditor. Bench warrants will not be issued from a citation to show cause hearing that occurred more than six months prior.

## **GARNISHMENTS**

Garnishments will be issued pursuant to K.S.A. 61-3505, et seq. Garnishment payments should be made payable to the judgment creditor or his/her attorney. The Clerk's office does not calculate interest or balances due.

All Answers of Garnishee are to be filed.

## **SATISFACTIONS OF JUDGMENT**

Once the judgment amount is paid in full, the judgment creditor shall file a Satisfaction of Judgment. Should he/she neglect to do so, the Clerk's office may refer a judgment debtor to the procedures described in Supreme Court Rule 186. Forms may be found at <http://www.kansasjudicialcouncil.org/SupremeCourtRules.shtml>.