

**CIVIL MATTERS
FORMS FOR THE PRO SE LITIGANT
(Representing oneself. Serving as one's own lawyer.)**



**THIS PRO SE PACKET CONTAINS LEGAL INFORMATION
RELATING TO THE REQUIRED FORMS AND PROCEDURES USED
BY THE PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT.
THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL ADVICE.**

FORMS INCLUDED IN THIS PRO SE PACKET

- A. GLOSSERY OF TERMS FOR PRO SE LITIGANTS
- B. CIVIL COMPLAINT WITH INSTRUCTIONS
- C. ANSWER AND COUNTERCLAIM WITH INSTRUCTIONS
- D. REQUEST FOR SUBPOENA(S)
- E. SUBPOENA
- F. MOTION FOR ORDER TO SHOW CAUSE WITH INSTRUCTIONS
- G. MOTION FOR CONTINUANCE WITH INSTRUCTIONS
- H. COURTS NOTICE OF CONTINUANCE
- I. MOTION TO WITHDRAW CIVIL COMPLAINT
- J. REQUEST FOR FEE WAIVER- JUDGES ORDER FOR FEE WAIVER REQUEST
- K. STANDARD MOTION

For Additional Information
Pueblo of San Felipe Contemporary Tribal Court
P.O. Box 4339 San Felipe, NM 87001
Phone: (505) 867-2696
Fax: (505) 867-2704

Glossary of Terms:

Answer: an official document filed with the court in which the respondent responds to the petitioner complaint.

Bench Trial: A trial in which there is no jury, and the judge takes on the jury's role of deciding the facts of the case.

Certificate of Service: A form filled with the clerk's office stating a copy of the document was delivered, faxed, or mailed to the opposing party.

Civil Case: A case brought by one person against another that does not involve a crime.

Depositions: A method of gaining information and evidence in which a party to the case is placed under oath and answers questions.

Discovery: The process by which the parties in a civil lawsuit obtain information or evidence from each other.

Interrogatories: Written questions that a party must answer under oath.

Jury Trial: The parties present their evidence to a jury. The judge instructs the jury on how the law applies, and the jury must then make its decision.

Mediation: An informal process in which an impartial person (the mediator) works with the parties to try to resolve the lawsuit in a way that is acceptable to both.

Motion: a request for a ruling or order made to the judge by someone connected with the case.

Prose litigant: Representing oneself. Serving as one's own lawyer.

Served: Delivering, faxing or mailing a document to one party by another. The party who has been served is deemed to be officially aware of the content of the document.



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

IN THE CIVIL COURT

_____))
Petitioner,) Case No. _____
))
))
vs.) CIVIL COMPLAINT/CIVIL PETITION
))
))
_____))
Respondent))
))

1. This is a civil action being brought against the above named Respondent based on:

2. The Petitioner resides at:

3. The Respondent resides at:

4. This Court has jurisdiction to hear this case because all the necessary elements set forth in Titles III and IV of the *First Amended and Restated Pueblo of San Felipe Judicial Code Establishing a Contemporary Tribal Court of Limited Jurisdiction*, are present.

5. The facts setting forth the basis for this complaint are:

THEREFORE, Petitioner requests the Court to do the following:

A. That the Court order Respondent to:

B. That judgment be entered for the Petitioner against the Respondent.

C. That the Respondent be ordered to pay Petitioner the cost of this action.

D. That the Court order any further relief that is determined necessary and proper.

THIS IS TO CERTIFY THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF UNDER PENALTY OF PERJURY.

PETITIONER

Address: _____

City, State, Zip: _____

Phone: (____) _____

CONTACT INFORMATION FOR OTHER PARTY OR PARTIES.

Name: _____

Address: _____

City, State, Zip: _____

Phone: (____) _____

Name: _____

Address: _____

City, State, Zip: _____

Phone: (____) _____

SIGNED AND SWORN to before me this _____ day of _____ 20____.

COURT CLERK

CIVIL COMPLAINT/CIVIL PETITION

Purpose:	This form is used to initiate a court action to seek relief in non-criminal matters.
How:	<p>The Petitioner or their advocate prepares a civil complaint that contains:</p> <ul style="list-style-type: none">A. A short and plain statement of the grounds upon which the court has jurisdiction to hear the case, unless the court already has jurisdiction to support the claim;B. A short plain statement of the claim showing that the petitioner is entitled to relief; andC. A demand for judgment for the relief that the Petitioner deems entitled. (State the amount of money or property you believe you are owed plus interest). <p><i>Upon receipt of a civil <u>complaint</u>, and a \$35.00 <u>filing fee</u>, the clerk establishes a <u>case file</u> and shall issue a <u>summons</u> to which shall be attached a <u>copy of the complaint</u> directing the <u>respondent</u> to <u>appear before the court</u> to answer the <u>complaint</u> at the <u>time and place specified</u> which shall not be more than 15 <u>days from</u> the date of serving of the summons and copy of the complaint.</i></p>
Copies:	<p>The original motion must be file stamped and stored in the court case file.</p> <p>A copy remains with the Petitioner.</p> <p>A copy remains with the Respondent.</p>



FILED
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TRIBAL COURT
DATE: ___/___/___
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PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

IN THE CIVIL COURT

_____) Case No. _____
Petitioner/ Plaintiff,)
)
)
vs.) ANSWER
)
)
_____)
Respondent/ Defendant,)
)
)

The Respondent denies all of the allegations in the complaint except as follows:

The Respondent alleges the following in support of a claim against the Petitioner:

SUBSCRIBED AND SWORN before me on this ___ day of _____, 20__.

COURT CLERK

ANSWER

Purpose:	This form is used by the Respondent(s) named in the civil complaint to deny the allegations set forth in the complaint. In addition, this form allows the Respondent(s) to file a counterclaim or request a set off against the Petitioner and seek relief from the Petitioner.
How:	The Respondent and/or attorney/ advocate prepares the Answer to the civil complaint, which contains the following: A. A short and plain statement denying all or specific allegations in the complaint; B. A short and plain statement of the counterclaim showing that the Respondent is entitled to relief; and C. A demand for judgment for the relief to which the Respondent deems himself/herself entitled.
Copies:	The original Answer must be file stamped and stored in the court case file. A copy remains with the Respondent and a copy must be sent to the Petitioner.



FILED
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DATE: ____/____/____
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PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

_____)
_____)
Petitioner/Plaintiff, _____)
_____)
vs. _____)
_____)
_____)
Respondent/Defendant) _____)

Case No. _ _ _ _ _

REQUEST FOR SUBPOENA(S)

I _____ in the above entitled matter, request the following individual(s) be subpoenaed to appear before the Pueblo of San Felipe Contemporary Tribal Court, located at the above address on the ____ day of _____, 20____ at the hour of _____ a.m./p.m.

1. _____
Name and Address

Brief statement of what their testimony will be

2. _____
Name and Address

Brief statement of what their testimony will be

3. _____
Name and Address

Brief statement of what their testimony will be

DATE this ____ day of _____, 20____.

Signature



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

_____)
Petitioner/Plaintiff,)
vs.)
_____)
Respondent/Defendant)
Case No. _____
SUBPOENA

TO:

(PRINT NAME AND ADDRESS)

YOU ARE HEREBY ORDERED to appear in the Pueblo of San Felipe Contemporary Tribal Court, **126 Hagen Rd., San Felipe Pueblo, NM 87001**, on the ___ day of _____, 20___ at the hour of _____ a.m./p.m., to testify on behalf of the PETITIONER/RESPONDENT and stay until this matter may be heard. You are to bring with you any documents you hold that may relate to the above matter.

FAILURE TO COMPLY WITH THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS CONTEMPT OF COURT AND SUBJECT TO PENALTIES FOR FAILURE TO COMPLY.

If you have any questions, please contact the Clerk of Court's office at (505) 867-2696.

SO ORDERED this ___ day of _____, 20___.

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
JUDGE

MOTION FOR AN ORDER TO SHOW CAUSE

Purpose:	This form is used by court personnel or a party to an action requesting that the Court issue an order to show cause. (i.e., failure to appear, failure to comply with divorce or child support decree, failure to comply with a probation order or failure to comply with a court order.)
How:	The person requesting an order to show cause completes the information in the motion and signs the motion in the presence of the court clerk. The court clerk witnesses the motion. If the judge grants the motion, the clerk will set a hearing. If the judge denies the motion, a copy of the denied motion will be mailed to the parties.
Copies:	The original motion must be file stamped and stored in the court case file. Copies shall be sent to the other party, attorney or advocates.



FILED
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DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

_____) Case No. _____
Petitioner/Plaintiff)
)
vs.) MOTION FOR CONTINUANCE
)
_____)
Respondent/Defendant)
)

COMES NOW _____ and motions the Court for
a continuance of the hearing set for _____ at ___ a.m / p.m, for the following
reasons: _____

RESPECTFULLY SUBMITTED this ___ day of _____, 20___.

Signature

Motion is hereby: () Granted () Denied:

DATED THIS ___ DAY OF _____, 20___.

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
JUDGE

MOTION FOR CONTINUANCE

Purpose:	The Motion for Continuance is used by the parties to request that a new hearing date, pretrial or trial date be vacated and reset.
How:	The person requesting must clearly explain the reason for the request. The judge will review the motion and either grant or deny the motion. If the judge grants the motion to continue, the hearing will be rescheduled and notice will be sent to the parties. If the judge does not make a ruling on the motion, the requesting party should presume that the motion was not granted and should be present and be prepared for the hearing date, pretrial, or trial date.
Copies:	The original motion must be file stamped and stored in the court case file.



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

IN THE CIVIL COURT

_____))
Petitioner / Plaintiff,) Case No. _ _ _ _ _)
))
))
vs.))
))
_____))
Respondent/ Defendant,))
))

NOTICE OF CONTINUANCE

The above-entitled action having been set for hearing before Judge Medina on _____, 20__, at _____ o'clock a.m. /p.m. at the Pueblo of San Felipe Contemporary Tribal Courthouse has been continued for another date.

The Tribal Court has rescheduled this hearing to come before this Court on _____ 20__ at _____ o'clock a.m. / p.m. at the Pueblo of San Felipe Contemporary Tribal Courthouse.

DATED this ___ day of _____, 20__.

COURT CLERK

Certificate of Service

I hereby certify that a true and correct copy of this *Notice of Continuance* was mailed USPS first class postage prepaid to all parties on this ___ day of _____, 20__.

COURT CLERK



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

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P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

IN THE CIVIL COURT

Petitioner/ Plaintiff,

Case No. _____

vs.

MOTION TO WITHDRAW
CIVIL COMPLAINT

Respondent/ Defendant,

I, _____, motion this Court to withdraw my
civil complaint based on the following reasons:

Therefore, I _____, believe it would be in the best interest of justice to withdraw my civil
complaint and dismiss the case against the above-named defendant/respondent ___with prejudice, ___without
prejudice.

DATED this ____ day of _____, 20____.

Plaintiff/Petitioner

Motion is hereby: () Granted () Denied

Dated this ____ day of _____ at ____ am/pm.

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
JUDGE



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

Plaintiff/Petitioner,

v. Case No. _____

Defendant/Respondent.

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

I request that the Court enter an order permitting me to file this case without prepayment of filing fees and costs and give upon my oath or affirmation the following statement.

My marital status is (check one): Single Married Divorced Separated Widowed

I request interpretation services (check one): Yes No

If yes, please describe what you need: _____.

ABOUT MY FINANCES (check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

I DO NOT RECEIVE PUBLIC ASSISTANCE

(If you check this blank, go directly to Section B, EMPLOYMENT/UNEMPLOYMENT).

I CURRENTLY RECEIVE THE FOLLOWING PUBLIC ASSISTANCE:

IN: _____ COUNTY _____ STATE

(Please check all applicable public assistance programs):

- Temporary Assistance for Needy Families (TANF)
- Food Stamps
- Medicaid (for myself)
- General Assistance (GA)
- Supplemental Security Income (SSI)
- Disability Security Income (DSI)
- Public Housing
- Other: _____

B. EMPLOYMENT/UNEMPLOYMENT

(Check and fill-out the paragraphs that apply to you):

I AM CURRENTLY UNEMPLOYED

I have been unemployed for ___ months in the past year. I am unemployed because:

I received unemployment benefits in the amount of \$ _____ per month.

I have no income because I am unemployed.

I AM EMPLOYED

I am paid \$ ___ per hour and work ___ hours per week.

My employer's name, address and phone number is:

Address: _____

Phone: () _____

I AM SELF-EMPLOYED

Business Name: _____ and I earn \$ _____ per month after taxes.

I AM MARRIED and my spouse is unemployed

My Spouse has been unemployed for ___ months in the past year. I am unemployed because:

My Spouse received unemployment benefits in the amount of \$ _____ per month.

I AM MARRIED and my spouse is employed

My spouse is paid \$ ___ per hour and works ___ hours per week.

My spouse's employer's name, address and phone number is:

Address: _____

Phone: () _____

OTHER SOURCES OF INCOME

(Check and fill-out the paragraphs that apply to you):

I have income from another source not mentioned above.

Child Support monthly amount \$ _____ Alimony monthly amount \$ _____

Investments \$ _____

Other: \$ _____

Other: \$ _____

I do not have any other sources of income.

I AM MARRIED and my spouse has income from another source not mentioned above.

Child support monthly amount \$ _____ Alimony monthly amount \$ _____
 Investments \$ _____
 Other: \$ _____
 Other: \$ _____

I AM MARRIED and my spouse does not have any other income from another source not mentioned above.

ANOTHER adult contributes to my household income in the following amount per month: \$ _____

C. OTHER ASSESTS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts).

Cash on Hand \$ _____
Bank Accounts: \$ _____
Income tax refund: \$ _____
Other assets (describe): _____
\$ _____

IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S INCOME OR ASSESTS, EXPLAIN WHY.

D. MONTHLY EXPENSES

House Payment/Rent	\$ _____
Utilities	\$ _____
Telephone/Cell	\$ _____
Groceries (after food stamps)	\$ _____
Car Payment(s)	\$ _____
Gasoline	\$ _____
Insurance	\$ _____
Child Care	\$ _____
Student and Consumer Loans	\$ _____
Court-ordered Support	\$ _____
Medical Expenses	\$ _____
Other: _____	\$ _____

E. HOUSEHOLD

I live at: (address) _____
Head of Household Is: _____

This is the information on the other members of the household.

THEIR NAME	AGE	EMPLOYMENT	I SUPPORT THEM

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain Information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted bases on the information in this application.

Name (Print) _____ [] Plaintiff/Petitioner [] Defendant/Respondent

Signature: _____

Mailing Address: _____

Telephone: () _____ Email Address (if applicable) _____

VERIFICATION

I _____ being first duly sworn upon my oath, depose and state that the contents of this APPLICATION FOR FREE PROCESS are true and correct, except to the matters stated on information and belief, and those matters I believe to be true.

Signature: _____ [] Plaintiff/Petitioner [] Defendant/Respondent

IF YOU ARE REPRESENTED BY AN ATTORNEY
YOUR ATTORNEY MUST SIGN THE FOLLOWING CERTIFICATE

I _____ hereby certify that I have not received any attorney fee to represent _____ If any attorney fee is paid to me, I understand that I shall pay to the Court Clerk from such attorney fee any court fees and costs that may be waived by the Court.

Attorney Name (Print) _____

Attorney Signature: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____



FILED
PUEBLO OF SAN FELIPE
TRIBAL COURT
DATE: ___/___/___
COURT CLERK

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
P.O. Box 4339, San Felipe, NM 87001, (505) 867-2696, Fax: (505) 867-2704

Plaintiff/Petitioner,

vs.

Case No. _____

Defendant/Respondent.

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the Court on Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process and the court being otherwise advised in the premises.

FINDS THAT:

- The application for free process is hereby granted
- The following fee(s) are waived: _____.
- The applicant must pay the following fee(s) _____ by: _____
- Free Process is denied.
- Other: _____

Dated this ____ day of _____, 20____.

(SEAL)

PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
JUDGE

I have contacted the other party:

They agree with my motion.

They do not agree with my motion.

They will not talk to me about my motion.

OR:

I have not contacted the other party because:

I cannot talk to him/her because there is a protective order between us and he/she does not have a lawyer.

I have not talked to him/her because

Signature

Printed Name

Mailing Address

City, State and Zip

Phone

CONTACT INFORMATION FOR OTHER PARTY OR PARTIES.

Name: _____

Address: _____

City, State, Zip: _____

Phone: () _____

Name: _____

Address: _____

City, State, Zip: _____

Phone: () _____

Filing Fee

_____ Paid Date: _____ Amount Paid: _____

_____ Fee Waiver Application in Process

JUDGE'S INSTRUCTIONS

Petitioner/Plaintiff,

CASE NO.: _____

vs.

Respondent/ Defendant,

MOTION FOR/TO: _____

_____ The Motion is GRANTED /DENIED

_____ Fee Waiver Application GRANTED/ DENIED/ PENDING

_____ Clerk to Set Hearing _____

OTHER INSTRUCTIONS:

Dated this _____ day of _____, 20____ at _____ am/pm.

**PUEBLO OF SAN FELIPE CONTEMPORARY TRIBAL COURT
JUDGE**