

RAVALLI COUNTY JUSTICE COURT  
205 Bedford Street  
Hamilton, Montana 59840

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APPEAL
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*These are basic guidelines relating to the filing of an appeal. You are responsible for proceeding under the rules set forth in the Montana Statutes, and if you have questions or are unsure about certain procedures, you must contact an attorney or refer to the Montana Statutes. Neither the Judge nor the Clerk can provide advice or interpretation of law as it relates to the filing and “perfection” of an appeal, including the Undertaking. The relevant statutes for filing an appeal and the required Undertaking are Sections 25-33-101 through 25-33-306. The Statutes can be accessed on line at [http://data.opi.state.mt.us/bills/mca\\_toc/index.htm](http://data.opi.state.mt.us/bills/mca_toc/index.htm). You can also review the Statutes at the library.*

An appeal must be filed within 30 days from the rendition of the Judgment, and a copy of the notice of appeal must be sent to the opposing party.

Requirements:

Filing of the Notice of Appeal

Undertaking

Filing fee, payable to District Court: \$30

Filing fee payable to Justice Court: \$10

# Montana Code Annotated 2009

Below are some of the relevant Statutes relating to “perfection” of an appeal to District Court. Please refer to all applicable laws in Title 25, Chapter 33, Montana Codes Annotated. If you do not understand the requirements or need assistance with the appeal process, please consult with an attorney.

## SECTION 25-33-102. Time for appeal.

Any party dissatisfied with the judgment rendered in a civil action in a city or justice's court may appeal therefrom to the district court of the county at any time within 30 days after the rendition of the judgment.

## SECTION 25-33-103. How appeal taken.

The appeal is taken by serving a copy of the notice of appeal on the adverse party or the adverse party's attorney and by filing the original notice of appeal with the justice or judge. The order of serving and filing is immaterial.

## SECTION 25-33-201. Undertaking on appeal.

(1) Except as provided in subsection (4), **an appeal from a justice's or city court is not effectual for any purpose unless an undertaking is filed, with two or more sureties, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money.** The undertaking must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from and all costs if the appeal is withdrawn or dismissed or the amount of any judgment and all costs that may be recovered against the appellant in the action in the district court.

(2) Except as provided in subsection (4), an appeal from a justice's or city court is not effectual for any purpose unless an undertaking is filed, with two or more sureties, in a sum equal to twice the value of the property, including costs, when the judgment is for the recovery of specific personal property. When the action is for the recovery of specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from and obey the order of the court made in the action if the appeal is withdrawn or dismissed or pay any judgment and costs that may be recovered against the appellant in the action in the district court and obey any order made by the court in the action.

(3) Except as provided in subsection (4), when the judgment appealed from directs the delivery of possession of real property, the execution of the judgment cannot be stayed unless a written undertaking is executed on the part of the appellant, with two or more sureties, to the effect that:

(a) during the possession of the property by the appellant, the appellant will not commit or suffer to be committed any waste on the property; and

(b) if the appeal is dismissed or withdrawn or the judgment is affirmed or judgment is recovered against the appellant in the action in the district court, the appellant will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession of the property or the appellant will pay any judgment and costs that may be recovered against the appellant in the action in the district court, not exceeding a sum to be fixed by the justice or judge of the court from which the appeal is to be taken, which sum must be specified in the undertaking.

(4) When the appealing party is determined by the court to be indigent, the district court shall waive the undertaking requirements of this section.

#### **SECTION 25-33-202. Undertaking when prevailing party appeals.**

If the party in whose favor the judgment is rendered appeals, the undertaking must be in the sum of \$100 and conditioned that the party will pay all costs that may be awarded against the party and obey any order of court made in the action.

#### **SECTION 25-33-205. Deposit of money in lieu of undertaking.**

Whenever an undertaking is required on appeal by the provisions of this chapter, a deposit in the court below of the amount of the judgment appealed from plus \$300 or, if the judgment is for the recovery of specific personal property, the value of the property plus \$300 or, if the party in whose favor the judgment is rendered appeals, \$100 is equivalent to filing the undertaking. The justice or judge shall transmit the money to the clerk of the district court, who shall pay it out on the order of the court.

*Please refer to the Montana Statutes for all laws relating to an appeal from Justice Court to District Court.*

Ravalli County Justice Court  
205 Bedford Street  
Hamilton, Montana 59840

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____	)	
	)	
Plaintiff(s)	)	JUDGE: _____
	)	
vs	)	CASE NO: _____
	)	
_____	)	
	)	NOTICE OF APPEAL
Defendant(s)	)	

The above-named ( )Plaintiff ( )Defendant hereby appeals to the Twenty First District Court in and for the County of Ravalli from the Judgment entered in the above Justice Court on \_\_\_\_\_.

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Street address or post office box  
\_\_\_\_\_  
City/State/Zip Code  
\_\_\_\_\_  
Phone Number

CERTIFICATE OF SERVICE: The undersigned certifies that a copy of this Notice of Appeal was served on the opposing party (or the party's attorney) by ( ) first class mail or ( ) certified mail.

\_\_\_\_\_  
Signature