

NINTH JUDICIAL DISTRICT
VAN BUREN COUNTY DISTRICT COURT

Department
234 Moss Street • Clinton, Arkansas 72031
Ph: 501-745-8894 • Fax 501-745-5810



DAVID L. REYNOLDS
District Judge

CHRIS CARNAHAN
District Judge

Tami McElham
~~ANNE E. JACOBS~~
District Court Clerk

COMPLAINT (Please type or print)



SMALL CLAIMS

CIVIL DIVISION

CASE NUMBER: CWSC-20-3

PLAINTIFF: Susan Weaver TELEPHONE: 501-940-9710

ADDRESS: P.O. Box 1247 City Clinton State: AR Zip: 72031

VS.

DEFENDANT: Michael Varner TELEPHONE: 870-416-6841

ADDRESS: work 2452 CR 719, Wilson Combat City Berryville State: AR Zip: _____

NATURE OF CLAIM: Breach of Contract

AMOUNT OF RELIEF CLAIMED: \$ 2597.20 to costs fees DATE CLAIM AROSE: July 17, 2019

FACTS SHOWING WHY CLAIM IS OWED: I met Mr. Varner spring/summer of 2019. He stated that he built guns for a living. I spoke with him several times about making a gun for my Dad's 70th birthday that was August 26, 2019. We decided on the type of gun - Wilson Combat AR 15, painted like the American Flag. Mr. Varner sent me a list of the parts he needed with the cost. I sent him the money - in full - on July 17, 2019. To date, he has not made the gun, nor refunded me my money. He knew at the time of the agreement I needed the gun before August 26, 2019. He kept making excuses and because I had given a picture of the gun on his birthday, I still believed he was making it. I had to eventually order the gun directly from Wilson Combat. Total cost was \$ 2597.20

Signature of Plaintiff

SPECIAL NOTICE TO DEFENDANT: "By law you **MUST** file a written answer within 30 days of service"

Original white - COURT'S

2nd Copy yellow - DEFENDANT'S

3rd Copy pink - SHERIFF/PROCESS AGENT

4th Copy gold - PLAINTIFF



IN THE 9TH STATE DISTRICT COURT - CLINTON, ARKANSAS

SUSAN KAYE WEAVER

PLAINTIFF(s)

CASE: CNSC-20-3

MICHAEL VARNER

DEFENDANT(s)

COMPLAINT

Nature of Claim: SC-CONTRACT

Amount of Relief Claimed: \$2,597.20

Date Claim Arose: July 17, 2019

See the attached **PLAINTIFF'S STATEMENT OF CLAIM FOR SMALL CLAIMS** complaint form for the factual basis of the claim.

The case referenced above has been set for trial on Thursday, September 17, 2020 at 01:00:00 PM in the 9TH STATE DISTRICT COURT - CLINTON CLINTON MAIN COURTROOM.

NOTICE TO DEFENDANT MICHAEL VARNER :

You are hereby warned to file a written answer with the clerk of the court within THIRTY (30) days after the date that you receive this complaint (or SIXTY days if you are being held in a correctional facility in this state) and to send a copy to the Plaintiff. If you do not file an answer within THIRTY (or SIXTY as stated above) days, a default judgment may be entered against you.

PROOF OF SERVICE

CASE: CNSC-20-3

State of Arkansas

City of _____

I, _____, hereby certify that I served the within complaint on the defendant,
MICHAEL VARNER, at ___ o'clock ___.m. on this ___ day of _____, 20___, by
_____ [state method of service, e.g., hand delivery, mail, commercial delivery service] with the
following documents:

CHECK APPLICABLE SQUARE

- ___ The person named therein
- ___ A family member of the person named therein, above the age of 14, at the defendant's usual abode,
namely: _____
- ___ The duly designated agent for service of process for the person named therein, namely:

- ___ Other: _____

(Signature and Office, if any)

Subscribed and sworn to before me this ___ day of _____, 20___. [To be completed if service is
by someone other than sheriff or constable.]

My commission expires:

Notary Public or Court Clerk



DEFENDANT'S INSTRUCTIONS

1. Please fill out the enclosed answer form and return it to the Clerk's office.

IMPORTANT: IF YOU FAIL TO FILE A WRITTEN ANSWER WITH THE COURT, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU IN THE AMOUNT OF THE CLAIM FILED PLUS THE COURT COSTS. IF THIS OCCURS, YOUR WAGES MAY BE GARNISHED OR ANY OF YOUR PERSONAL PROPERTY MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT.

DO NOT FAIL TO FILE A WRITTEN ANSWER.

2. It is not necessary to hire an attorney, but you may do so if you wish. In the event both parties do not have attorneys, the judge will ask questions of each party and decide the case on the evidence.
3. You may bring witnesses with you to testify on your behalf or you may have witnesses subpoenaed by providing a list of their names and addresses and telephone numbers to the District Court Clerk. There will be additional costs for service of each subpoena.
4. Bring all papers, receipts and other materials that might be useful as evidence in the case.
5. Bring this form with you when you come to court.
6. In court, direct all statements and questions to the Judge.

SUMMONS

CASE: CNSC-20-3

TO MICHAEL VARNER :

You have been **SUED** by the plaintiff(s) listed on the previous page.

You must file the attached answer form with this court, **within 30 days** from the date on which you received this summons or a judgment may be entered against you. In the event that you fail to file a written answer, a judgment may be entered against you. If a judgment is entered against you, you do have the right to appeal to Circuit Court within 30 days after the disposition date. You may seek the advice of an attorney on any matter connected with this suit or your answer. Such attorney should be consulted immediately so that an answer may be filed within the time limit stated above.

Amount for which plaintiff may take judgment if
you fail to appear, exclusive of interest:

FFSC - SMALL CLAIMS FILING FEES

TECH - COURT TECHNOLOGY FEE

Total:


\$2,597.20

\$50.00

\$15.00

\$2,662.20

WITNESS my hand and seal of said Court this day JULY 27, 2020.


Tami L. McHam, District Court Clerk of Clinton

IN THE 9TH STATE DISTRICT COURT - CLINTON, ARKANSAS

SUSAN KAYE WEAVER

PLAINTIFF(s)

CASE: CNSC-20-3

MICHAEL VARNER

DEFENDANT(s)

ANSWER AND AFFIRMATIVE RELIEF

A copy of your answer must be filed with the court and a copy delivered or mailed to the plaintiff or his attorney (if applicable).

CHECK ONE:

- A. _____ I admit everything in the complaint and do not want a trial.
B. _____ I admit that I am responsible, but not for the total amount claimed by the plaintiff(s).
C. _____ I deny that I am responsible at all.
D. _____ I deny that I am responsible at all. In fact the plaintiff is the one at fault. (Return and file the counterclaim form, shown below, to the court clerk.)

Defendant's Address	MICHAEL VARNER 242 CR 719 WILSON-COMBAT BERRYVILLE, AR 72616		
Reasons for Denial of Plaintiff's Claim			
Affirmative Defenses			
Amount of Affirmative Relief Sought		Date Affirmative Claim Arose	
Factual Basis of Affirmative Claim			
Names and Addresses of Other Persons Needed for Determination of Affirmative Claim			

MICHAEL VARNER

Date

CERTIFICATE OF SERVICE

CASE: CNSC-20-3

The undersigned hereby certifies that a true and correct copy of the foregoing answer was served on

plaintiff on the ____ day of _____, 20_____, by _____

[state method of service used, e.g., hand delivery, mail, commercial delivery service].

MICHAEL VARNER

COMPLETE THIS ANSWER AND MAIL THE ORIGINAL TO:

9TH STATE DISTRICT COURT - CLINTON
TAMI MCHAM, DISTRICT CLERK
234 MOSS STREET
CLINTON, AR 72031

D U P L I C A T E

R E C E I P T

ContexteFE 5.2

9TH STATE DISTRICT COURT - CLINTON
TAMI MCHAM, DISTRICT CLERK
234 MOSS STREET
CLINTON, AR 72031

Receipt Number: 71CN24398

Date: 27-JUL-2020
Comment: CHECK PAYMENT
Cashier: TLMCHAM

Payor: SUSAN KAYE WEAVER
Address: P.O. BOX 1247
CLINTON, AR 72031

Violation/Docket	Description	Amount

Case: CNSC-20-3 - SUSAN WEAVER V MICHAEL VARNER		
Party: SUSAN KAYE WEAVER		
SC COMPLAINT FILED	\$65 SMALL CLAIMS FILING FE	50.00
SC COMPLAINT FILED	\$65 COURT TECHNOLOGY FEE	15.00
	CHECK PAYMENT 1078	-65.00
Total Fees:		65.00
Total Payment:		65.00