

ORIGINAL

FILED

08/04/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 26-0019

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 26-0019

FILED

AUG 04 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana
ORDER

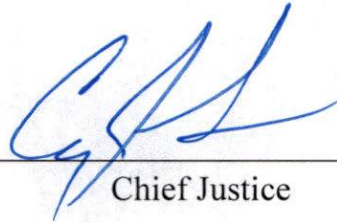
MONTANA UNIFORM LIMITED
JURISDICTION COURT OF RECORD RULES
OF APPEAL TO DISTRICT COURT

The Commission on Courts of Limited Jurisdiction petitioned the Court to amend the Uniform Municipal Court Rules of Appeal to District Court. Following an opportunity for written public comment, the Court considered the proposed amendments at a public meeting on May 5, 2026. At that meeting, the Court approved the proposed amendments, including renaming the rules to reflect their broader applicability in practice.

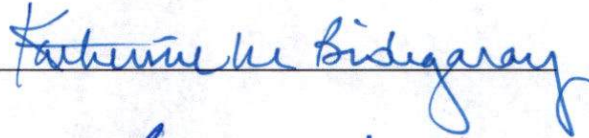
IT IS ORDERED that the proposed revisions as approved by the Court are ADOPTED. The Uniform Municipal Court Rules of Appeal to District Court shall now be called the Montana Uniform Limited Jurisdiction Court of Record Rules of Appeal to District Court. The Rules are amended to read as shown in the attachment to this Order, effective July 1, 2026.

This Order and the attached rules shall be posted on the Court's website. In addition, the Clerk of this Court is directed to provide copies of this Order and the attachment to the State Law Library, Todd Everts, Connie Dixon, Shana Harrington, and Karl Krempel at Montana Legislative Services, Eric Goodemote in the Thomson Reuters Rules department at Thomson Reuters, Patti Glueckert and the Statute Legislation department at LexisNexis, and the State Bar of Montana with the request that it provide notice to the membership by publication in the *Montana Lawyer* magazine and through other electronic and timely means.

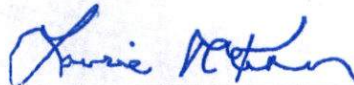
DATED this 4th day of August, 2026.



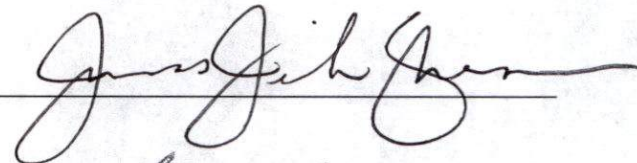
Chief Justice



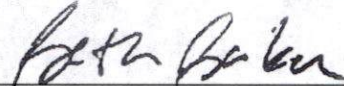
Katherine M. Bidegaray



Justice



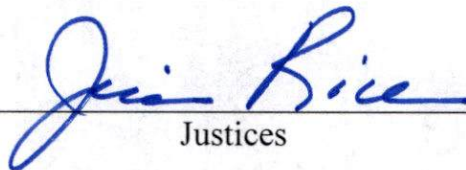
Justice



Justice



Justice



Justice

Justices

MONTANA UNIFORM MUNICIPAL COURT LIMITED JURISDICTION COURT OF RECORD RULES OF APPEAL TO DISTRICT COURT

I. Applicability of Rules

Rule 1. Scope of rules—limitation of appeal

(a) Rules govern procedure. These rules govern procedure for appeals in civil and criminal cases from a ~~municipal~~ limited jurisdiction court of record judgment or order to a district court. The party appealing is known as the appellant and the adverse party as the respondent.

(b) Limitation of appeals. Appeal from a municipal court or city court of record judgment ~~shall~~ may be limited by city ordinance in the following cases:

(1) In civil causes, the ordinance ~~shall~~ may require that a minimum amount in controversy ~~shall~~ exceed \$1,000.00, before the district court has jurisdiction to hear the appeal.

(2) In criminal causes, the ordinance ~~shall~~ may require that a minimum amount in controversy, fine or restitution ~~shall~~ exceed \$300.00 before the district court has jurisdiction to hear the appeal, except if the judgment includes incarceration, no minimum fine may be required for appeal.

(3) Appeals may be taken in criminal cases as provided in §§ 46-20-103 and -104, MCA.

(c) Local rules. No local rules shall be adopted in conflict with these rules.

Rule 2. District court review on appeal

(a) Review limited to record. Appeal from a ~~municipal~~ limited jurisdiction court of record judgment is confined to the record and questions of law.

(b) Record on appeal. The record on appeal to the district court consists of an electronic recording or stenographic transcription of a cause tried, together with all papers filed in the cause.

* * *

II. Appeals from Municipal Court Judgments

Rule 4. How appeals are taken

(a) Filing notice of appeal. An appeal shall be taken by filing a timely notice of appeal in the ~~municipal~~ limited jurisdiction court of record.

(b) Joint or consolidated appeals. Two or more persons with interests making joinder practicable,

may file a joint notice of appeal, or may join in appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the district court upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.

(c) Content of notice of appeal. The notice of appeal shall specify the party or parties taking the appeal; and shall designate the judgment, order or part thereof appealed from. Form 1 in the Appendix of forms is a suggested form of notice of appeal. An appeal shall not be dismissed for informality of form or title of the notice of appeal.

(d) Service of notice of appeal. The clerk ~~of the municipal court~~ shall serve a copy of the filing of notice of appeal by mailing a copy thereof to counsel of record of each party other than the appellant, or, if a party is not represented by counsel, to the party at the last known address of that party, and shall mail a copy of the notice to the clerk of the district court. The clerk of the ~~municipal~~ limited jurisdiction court of record shall note on each copy served, the date on which the notice of appeal was filed. If an appellant is represented by counsel, such counsel shall provide the clerk with sufficient copies of the notice of appeal to permit the clerk to comply with the requirements of this rule. Failure of the clerk to serve notice shall not affect the validity of the appeal. The notice shall be sufficient notwithstanding the death of a party or a party's counsel. The clerk shall note in the docket the names of the parties to whom the clerk mails copies, with the date of mailing.

(e) Appeal of protective order. Appeal of a protective order is governed by §§ 40-4-124 and 40-15-302, MCA.

(f) Appeal from judgment by default. There is no appeal from a judgment by default rendered in a ~~municipal~~ limited jurisdiction court of record except on questions of law which appear on the fact of the papers or proceedings and except in cases when the ~~municipal~~ limited jurisdiction court of record has abused its discretion in setting aside or refusing to set aside a default or judgment.

Rule 5. Time for filing notice of appeal

(a) Appeals in civil cases.

(1) Notice of appeal. In civil cases notice of appeal required by Rule 4 shall be filed with the clerk of the ~~municipal~~ limited jurisdiction court of record within 30 days after the rendition of the judgment.

(2) Undertaking. An appeal is not effective until an undertaking is filed as provided by these rules.

(3) Appeal of an order of protection. An order of protection made pursuant to §§ 40-4-121 or 40-15-201, MCA, is immediately reviewable by the district court upon filing the notice of appeal. No undertaking is required for an appeal from an order of protection.

(b) Appeal in criminal cases.

(1) Scope of appeal by state. The scope of appeal by the state is governed by § 46-20-103, MCA.

(2) Scope of appeal by defendant. The scope of appeal by the defendant is governed by § 46-20-104, MCA.

(3) Notice of appeal. In criminal cases an appeal from a judgment must be taken within 10 days. An appeal from an order or judgment under § 46-20-103, MCA, must be taken within 10 days.

(4) No undertaking required in criminal cases. No undertaking for costs is required for appeals in criminal cases.

Rule 6. Undertaking on appeal

(a) Undertaking on appeal in civil cases

(1) Except as provided in subsection (4), an appeal from a ~~municipal~~ limited jurisdiction court of record 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 be withdrawn or dismissed or the amount of any judgment and all costs that may be recovered against appellant in the action in the district court.

(2) Except as provided in subsection (4), an appeal from a ~~municipal~~ limited jurisdiction court of record is not effectual for any purpose unless an undertaking be 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 recover 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 therein if the appeal be withdrawn or dismissed or pay any judgment and costs that may be recovered against appellant in said action in the district court and obey any order made by the court therein.

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

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

(B) if the appeal be dismissed or withdrawn or the judgment affirmed or judgment

be recovered against appellant in the action in the district court, appellant will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof or appellant will pay any judgment and costs that may be recovered against appellant in said action in the district court, not exceeding a sum to be fixed by the ~~municipal court~~ judge of the ~~municipal~~ limited jurisdiction court of record 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 rule.

(5) The provisions of Rule 8 apply to a surety upon a bond given pursuant to this rule.

(b) Undertaking when prevailing party appeals. If the party in whose favor judgment is rendered appeals, the undertaking must be in the sum of \$100 and conditioned upon the party paying all costs that may be awarded against appellant and obeying any order of court made in the action.

(c) Criminal cases. No undertaking for costs is required in appeals in criminal cases.

Rule 7. Stay of judgment pending appeal

(a) Stay in civil cases.

(1) Stay of judgment or order. Except when an undertaking is required under Rule 6(a), upon filing a notice of appeal from a judgment or order the appellant may apply to the ~~municipal~~ limited jurisdiction court of record on notice or ex parte for a stay of the execution of the judgment or order. The ~~municipal~~ limited jurisdiction court of record in its discretion may grant said stay for such period of time and under such conditions as the court deems proper, including restraining the party from disposing of, encumbering, or concealing the party's property. The ~~municipal~~ limited jurisdiction court of record may require an appellant to file a bond or provide other security in such form and amount as it finds necessary to insure payment of costs on appeal in a civil case. The provisions of Rule 8 apply to a surety upon a bond given pursuant to this rule.

(2) Stay when undertaking filed. On the filing of the undertaking required under Rule 6, the ~~municipal~~ limited jurisdiction court of record must stay the execution of the judgment or order.

(3) Stay of execution when undertaking filed. If an execution be issued, on the filing of the undertaking, the ~~municipal court~~ judge must direct the execution officer to stay all proceedings on the same. Such execution officer must, upon the payment of his fees for services rendered on the execution, thereupon relinquish all property levied upon and deliver the same to the judgment debtor, together with all moneys collected from sales or otherwise. If his fees on the execution are not paid, the execution officer may retain so much of the property or proceeds thereof as may be necessary to pay the same.

(4) Sale of perishable property. If the judgment or order appealed from directs the sale of perishable property, the ~~municipal~~ court may order the property to be sold and the proceeds thereof to be deposited, to abide the judgment of the district court.

(b) Stay in criminal cases.

(1) Stay of imprisonment. If an appeal is taken and the defendant is admitted to bail, a sentence of imprisonment shall be stayed by the ~~municipal~~ court.

(2) Stay of fine and costs. If an appeal is taken, a sentence to pay a fine, or a fine and costs, shall be stayed by the municipal court.

(3) Application to the district court. On application, the district court in the interest of justice may suspend, modify, restore, or grant any order made under this rule.

(4) Effect of appeal by the state. An appeal taken by the state in no case stays or affects the operation of the judgment or order in favor of the defendant until judgment or order is reversed by the district court.

(c) Stay of protective orders. An appeal from a protective order does not stay or affect the protective order. On application, the district court may stay a protective order. The district court may require certain conditions be met to protect the alleged victim before issuing a stay of the protective order.

Rule 8. Sureties and their justification

(a) Justification of sureties. The adverse party may except to the sufficiency of the sureties within 5 days after the filing of the undertaking, and unless they or other sureties justify before the ~~municipal court judge of the limited jurisdiction court of record or a judge of the~~ district court of the county in which such action has been tried within 5 days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given. The sureties on the undertakings mentioned in this rule must justify as provided in § 33-26-102, MCA.

(b) Deposit of money in lieu of undertaking. Whenever an undertaking is required on appeal by the provisions of these rules, a deposit in the ~~municipal~~ 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 ~~municipal~~ court clerk shall transmit the money to the clerk of the district court, who shall pay it out on the order of the court.

(c) Waiver of undertaking. In all cases where an undertaking is required on appeal by the provisions of these rules, the undertaking or deposit may be waived by the written consent of the respondent.

(d) Defective undertaking. No appeal shall be dismissed for insufficiency of the undertaking

thereon or for any defect or irregularity therein if a good and sufficient undertaking be filed in the district court at or before the hearing of the motion to dismiss the appeal, which undertaking must be approved by the district judge.

Rule 9. The record on appeal

(a) Composition of the record on appeal. The record on appeal to district court consists of the notice of appeal, an electronic recording or stenographic transcription of the case tried, together with the judgment entered and all papers and exhibits filed in the ~~municipal~~ limited jurisdiction court of record.

(b) Transcript of the proceedings. The electronic recording of the trial or proceeding will not be transcribed before transmission to the district court, except as provided by Rule 10(f) of these rules. If the proceedings were stenographically recorded the notes will be transcribed in full or in designated parts as stipulated by the parties. The appellant shall order from the reporter a transcript of the proceedings for transmission to the district court. The reporter shall certify the correctness of the transcript. Copies of the transcript shall be sent to all the parties. The appellant shall be liable for the costs of the transcript.

(c) Copies of electronic recording of proceedings. A party may request a copy of the electronic recording of the proceedings. Except as provided under subsection (d), the requesting party shall be liable for the costs of producing a copy of the electronic recording.

(d) Defendants in criminal cases without financial means—petition in ~~municipal~~ limited jurisdiction court of record.

(1) Upon imposition of any sentence in a criminal case, a defendant may file in the ~~municipal~~ limited jurisdiction court of record a petition requesting that the defendant be furnished with a copy of the electronic recording, or if an electronic recording was not made a transcription of the stenographic record, of the proceedings. The petition shall be verified by the petitioner and shall state facts showing that the petitioner is at the time of filing the petition without financial means to pay for the costs of reproducing the recording or pay for the transcript. If the ~~municipal~~ judge who imposed sentence finds that the defendant is without financial means with which to obtain a copy of the electronic recording, or pay for the transcript, the judge shall order the ~~municipal~~ clerk of the limited jurisdiction court of record to deliver a copy of the electronic recording, or the transcript, to the defendant without charge.

(2) If the petition provided for in subsection (1) is denied by the ~~municipal~~ limited jurisdiction court of record, a petition to proceed may be filed in the district court within the time required for transmission of the record. The petition shall be accompanied by a copy of the verification filed in the trial court and a copy of the statement of reasons for denial given by the ~~municipal~~ limited jurisdiction court of record. The district court upon a finding that the defendant is without financial means, shall order the ~~municipal~~ clerk of

the limited jurisdiction court of record to deliver a copy of the electronic recording, or the transcript, to the defendant without charge.

(e) Statement of the evidence or proceedings when no record was made or when record is unavailable. If no electronic recording, or stenographic record, of the evidence or proceedings at a hearing or trial was made, or if the recording, or record, is unavailable, the appellant may, within 3 days from the hearing or trial or such time extended as the ~~municipal~~ court may for good cause shown permit, prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the respondent, who may serve objections or propose amendments thereto within 3 days after service. Thereupon, the statement and any objections or proposed amendments shall be submitted for settlement and approval to the ~~municipal court~~ limited jurisdiction court of record judge, and as settled and approved shall be included by the clerk of the ~~municipal~~ limited jurisdiction court of record in the record on appeal.

(f) Agreed statement as the record on appeal. In lieu of the record on appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the ~~municipal~~ limited jurisdiction court of record and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the court may consider necessary to fully present the issues raised by the appeal, shall be approved by the ~~municipal~~ limited jurisdiction court of record and shall then be certified to the district court as the record on appeal and transmitted thereto by the clerk of the ~~municipal~~ limited jurisdiction court of record within the time provided by Rule 10.

(g) Correction or modification of record. If any difference arises as to whether the record truly discloses what occurred in the ~~municipal~~ limited jurisdiction court of record, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the ~~municipal~~ limited jurisdiction court of record, either before or after the record is transmitted to the district court, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the district court.

Rule 10. Transmission of the record

(a) Time for transmission—civil cases. The record on appeal shall be transmitted to the clerk of the district court within 10 days after the filing of the notice of appeal or within an extension by order entered under subdivision (g) of this rule. The appellant shall comply with Rule 9(b) and take any other action necessary to enable the clerk of the ~~municipal~~ limited jurisdiction court of

record to assemble and transmit the record.

(b) Time for transmission—criminal cases. The record on appeal shall be transmitted to the clerk of the district court within 30 days after the filing of the notice of appeal or within an extension by order entered under subdivision (g) of this rule. The appellant shall comply with Rule 9(b) and take any other action necessary to enable the clerk of the ~~municipal~~ limited jurisdiction court of record to assemble and transmit the record.

(c) Duty of ~~municipal~~ limited jurisdiction court of record to transmit the record. When the record is complete for purposes of appeal, the clerk of the ~~municipal~~ limited jurisdiction court of record shall transmit it to the clerk of the district court. The clerk of the ~~municipal~~ limited jurisdiction court of record shall forward the electronic recording of the case to the district court, together with all papers and exhibits filed, certified to be accurate and complete. When the record is received and filed with the clerk of the district court, the clerk of the district court shall notify the parties in writing.

(d) Electronic recording. The electronic recording will not be transcribed for transmission to the district court, except as provided by subdivision (f).

(e) Stenographic record. A stenographic record is not required. A stenographic record will not be transcribed if the proceedings have been electronically recorded. If no electronic recording of the proceedings was made and it was stenographically recorded, the clerk of the ~~municipal~~ limited jurisdiction court of record shall transmit the transcript of the case to the district court. The appellant shall order from the reporter a transcript of the proceedings for transmission to the district court. The reporter shall certify the correctness of the transcript. Copies of the transcript shall be sent to all the parties. The appellant shall be liable for the costs of the transcript.

If the transcript is not filed with the clerk of the ~~municipal~~ limited jurisdiction court of record within the time for transmission to the district court, or within an extension previously granted, the clerk of the ~~municipal~~ limited jurisdiction court of record shall forward to the district court the record of the case without the transcript.

(f) Duty of appellant. It is the duty of the appellant to perfect the appeal. The appellant may have parts or all of the electronic recording transcribed for transmission to the district court. The appellant shall be liable for the costs of the transcript. It is the duty of the appellant to present the district court with a record sufficient to enable it to rule upon the issues of law raised. Failure to present the district court with a sufficient record on appeal may result in dismissal of the appeal.

(g) Extension of time. The ~~municipal~~ limited jurisdiction court of record may extend the time for transmitting the record. The ~~municipal~~ limited jurisdiction court of record shall not extend the time to a day more than 30 days past the time for transmission of the record under this rule.

(h) Transmission effected. Transmission of the record is effected when the clerk of the ~~municipal~~ limited jurisdiction court of record mails or otherwise forwards the record to the district court. The

clerk of the ~~municipal~~ limited jurisdiction court of record shall indicate, by endorsement on the record or otherwise, the date the record is transmitted to the district court.

(i) District court fees—civil cases. In a civil case appealed to the district court, the appellant within 5 days of the transmission of the record shall pay to the clerk of the district court the district court fee required under § 25-1-201, MCA. Upon the failure of the appellant to pay the district court fee the district court may order dismissal of the appeal, except for appeals in forma pauperis under Rule 11.

III. Appeals in Forma Pauperis

Rule 11. Application and manner of proceeding

(a) Application to ~~municipal~~ limited jurisdiction court of record. A party in a civil case who desires to proceed on appeal in forma pauperis shall file in the ~~municipal~~ limited jurisdiction court of record a motion for leave so as to proceed together with an affidavit showing, in the detail prescribed by Form 2 of the Appendix of Forms, the party's inability to pay the fees and costs of the appeal or to give security therefor, the party's believe that the party is entitled to redress, and a statement of the issues the party intends to present on appeal. If the motion is granted, the party may proceed on appeal without further application to the district court and without payment of fees or costs or the giving of security therefor. If the motion is denied, the ~~municipal~~ court shall state the reasons for the denial.

(b) Application to the district court. If the motion for leave to proceed on appeal in forma pauperis is denied by the ~~municipal~~ limited jurisdiction court of record, a motion for leave so to proceed may be filed in the district court within 10 days after entry of the order of denial. The motion shall be accompanied by a copy of the affidavit filed in the ~~municipal~~ limited jurisdiction court of record and of the statement of reasons for denial given by the ~~municipal~~ limited jurisdiction court of record.

IV. General Provisions

* * *

Rule 15. Time for decision and oral argument

(a) District courts time for decision. The district court shall consider and decide appeals brought under these rules within a reasonable period of time after the filing of the reply brief permitted.

(b) Decision. The district court shall render a decision upon the record and briefs on appeal. The district court may affirm, reverse, or amend any appealed order or judgment and may direct the proper order or judgment to be entered or direct that a new trial or further proceeding be had in the ~~municipal~~ limited jurisdiction court of record from which the appeal was taken. The decision of the district court may be by order or by memorandum opinion. Form 3 in the Appendix of Forms is an example of disposition by order.

(c) Oral argument. Oral argument shall not be held except on order of the district court.

(d) Protective orders. A ~~municipal~~ limited jurisdiction court of record order issued pursuant to §§ 40-4-121 or 40-15-201, MCA, is immediately reviewable at chambers by the district court upon filing a notice of appeal. The district court may affirm, dissolve, or modify an order of the ~~municipal~~ limited jurisdiction court of record.

* * *

Rule 21. Voluntary dismissal

If the parties to an appeal or other proceeding shall sign and file with the clerk an agreement that the proceeding be dismissed, specifying the terms as to payment of costs, and shall pay whatever fees are due, the clerk shall enter the case dismissed, and shall give to each party a copy of the agreement filed; but no mandate or other process shall issue without an order of the court. An appeal may be dismissed on motion of the appellant upon such terms as to costs as may be agreed upon by the parties or fixed by the court. If an appeal has not been docketed the appeal may be dismissed by the court from which the appeal was taken upon filing in that court of a stipulation for dismissal signed by all parties, or upon motion and notice by the appellant. The clerk of the ~~municipal~~ limited jurisdiction court of record shall mail a copy of the order of dismissal to the clerk of the district court.

Rule 22. Title

These rules shall be known as the Montana Uniform ~~Municipal~~ Limited Jurisdiction Court of Record Rules of Appeal to the District Court and may be cited as U.M.C.R.App. M.U.L.J.C.R.R.App.