

Small Claims Quick Check

- Your Small Claim can only be for money up to \$3,000
- Corporations and partnerships cannot use the small claims procedure. You must be a sole proprietor or an individual to bring a suit. Be careful of "PC's".
- If younger than 18 your parent or Guardian may file a claim for you.
- You may bring suit against an individual, corporation, partnership, associations, and assignees
- To file a claim, yourself or someone on your behalf must contact the Small Claims Court in the town, village, or city where the Defendant lives, works, or has a place of business.
- A filing fee of \$10.00 for claims up to \$1,000, and \$15.00 for a claim over \$1,000 (Money Order, Exact Change, Visa, MasterCard. No personal checks will be accepted)
- Each party involved in the small claim action should receive a copy of *A Guide to Small Claims* (download from website)
- A notice of claim will be sent by the court, both certified mail and ordinary first class mail to the defendant and first class mail to plaintiff.
- Notice of claim must be sent 21 days before appearance date and if mail is not returned they are presumed to have received notice.
- If notice is returned to post office as undeliverable, the court will set a new trial date, and personal service will be required by a person at least 18 years of age who is not party to the action. If no service is made in four months from the start date, then the case will be dismissed without prejudice, and an action may be brought at a later date.
- The defendant has the right to file a counterclaim (fee \$3 plus mail cost) up to \$3,000, any time up to the trial date, if it is not done within five day of receipt of notice of claim, the trial date may be adjourned to a later date.
- The court shall conduct a hearing so as to do substantial justice between the two parties and the court will hear all relevant information as it pertains to the claim. (Ruling should be made after parties leave the hearing). Those giving testimony must be sworn:
- A Notice of Small Claims Judgment is required to be sent to both judgment creditor and judgment debtor to notify of rights and obligations

This is not intended to take the place of your detailed Guide to Small Claims Courts