

Small Claims Information

- Your Small Claim can only be for a monetary claim 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 "P.C.'s"
- If younger than 18 your parent or guardian may file a claim for you
- You may bring suit against an individual, corporation, partnership, association, and assignee
- 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 in the amount of \$10.00 will be collected for a claim up to \$1,000, and a filing fee in the amount of \$15.00 will be collected for a claim over \$1,000 up to \$3,000
- Each party involved in the Small Claims action should receive a copy of *A Guide to Small Claims* (may be downloaded from website or picked up from the court office)
- A Notice of Claim will be sent by the Court, both Certified Mail and First Class Mail to the Defendant and First Class Mail to the Plaintiff
- Notice of Claim must be sent 21 days before the appearance date and if First Class Mail is not returned to the Court, they are presumed to have received notice
- If First Class Mail is returned to the Court 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 (a fee of \$3.00 will be collected plus cost of mailing, if any) up to \$3,000 any time up to the trial date, however if not done within five days 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 parties. The Court will hear all relevant information as it pertains to the claim through testimony under oath by witnesses and evidence introduced for consideration. A decision will be rendered by the Court within 30 days of the trial date
- A Notice of Small Claims Judgment is required to be sent to both Judgment Creditor and Judgment Debtor to notify each of their rights and

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