

SMALL CLAIMS COURT CHECKLIST

PLAINTIFF

DEFENDANT

- ___ Send a letter to the defendant demanding payment by a specific time. A certified letter is recommended. When you file the claim and go to trial, bring the proof of mailing the letter.
- ___ After the complaint is filed, the court will order a hearing within 10 to 40 days of the date of the order. If you are unable to be there or cannot be prepared by that date, ask the court to
- ___ Request a complaint form from the clerk or justice of the peace, complete the form and sign it in front of the clerk or the justice.

- reschedule the hearing.

- ___ You can settle with the plaintiff out of court. If so, a signed copy of your written settlement agreement must be filed with the court.
- ___ Provide the name and complete street address of the defendant. If suing a corporation, make sure the correct legal name is on the complaint.

- ___ Consider using a mediator or third person to help settle the dispute..
- ___ Make sure the sum of money or property being sued for is a specific amount of \$7,000 or less.

- ___ If you prefer a jury trial or want an attorney to represent you, file a motion within 10 days from the date the complaint is served to remove the
- ___ File the complaint in the county where the defendant lives or in a county where the defendant may be served.
- case to justice court.

- ___ If filing a counterclaim, the amount in question cannot exceed \$6,500.
- ___ Pay the filing fee. If you cannot afford the fee, complete an affidavit asking the court to waive the fee.

- ___ Serve your counterclaim on the plaintiff at least 72 hours before the hearing date.

- ___ Have the court issue any required subpoenas for witnesses you need at trial.

- ___ Pay the clerk a fee for each defendant when you appear for trial, or when you file a counterclaim, or when you remove the case to justice court.
- ___ If the defendant wasn't served at least five days before the hearing, ask the court to reset the hearing date.

- ___ If you cannot afford the fees, complete an affidavit asking the court to waive the fees.
- ___ Bring all required evidence, documents, and witnesses to court on the scheduled date and be prepared to present your case.
- ___ Before the hearing, have the court issue any necessary subpoenas for witnesses you need.

- ___ If the case is settled prior to trial, file a signed, written agreement with the court.

- ___ Bring all supporting evidence, documents, and witnesses to court on the hearing date,

and be prepared to present your case.

____ If you wish to appeal the small claims court's decision, file your appeal within 10 days after the judge's order is signed and pay the required fee.

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