

## **SMALL CLAIMS IN A NUTSHELL!**

### **WHAT YOU NEED TO DO TO PROCEED IN SMALL CLAIMS COURT:**

- Decide if it's worth it and try settling the claim yourself – Ask yourself: How much will I settle for? What are my chances of winning and then collecting?
- Maximum amount of claim is \$10,000
- Are you filing in the right place? If the incident happened in Douglas County or the defendant lives in Douglas County – you are in the right place!
- If you are seeking money or property from another person you are the PLAINTIFF; the person who owes you money or from whom you want to get your property back is the DEFENDANT(S).
- The court HAS forms, for a fee, to fill out to start the process. The forms you fill out are called CLAIM and NOTICE OF CLAIM, NOTICE TO DEFENDANT. You will also be given a form called NOTICE OF DEFENDANT'S ELECTION which the DEFENDANT fills out after he/she is served with your NOTICE OF CLAIM.
- Who should you name as a defendant? Be sure to get the proper names of the defendant(s) especially if the defendant is a business. If the defendant is a business, you must name the individual and the business. Please see the Small Claims Manual Section "*How Do I File A Small Claims Lawsuit?*" for more details.
- How is defendant served? The sheriff will serve your papers for a fee; you can have a person over 18 years old who is not involved with the case serve the papers; or, you can serve the papers by certified mail, return receipt requested. You must then file a proof of service (signed by the person serving the papers) with the court.
- Once defendant is served, he/she must respond. If defendant does not respond, you may take a default judgment. See Small Claims Manual Section "*What Must the Defendant Do?*" and following sections for various ways small claims cases may proceed to judgment.
- After judgment, the winner of the case is the creditor; the loser is the debtor. The creditor will need to proceed to collect the money or property from the debtor. The court does not collect judgments for you. Please see the Small Claims Manual Section "*How Do I Collect My Judgment?*" for more details.

**PLEASE REMEMBER – IT IS VERY IMPORTANT TO KEEP THE COURT ADVISED OF YOUR CURRENT ADDRESS AND PHONE NUMBER AT ALL TIMES DURING YOUR CASE!**