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MONEY MAGAZINE

13TH EDITION

Excerpts from

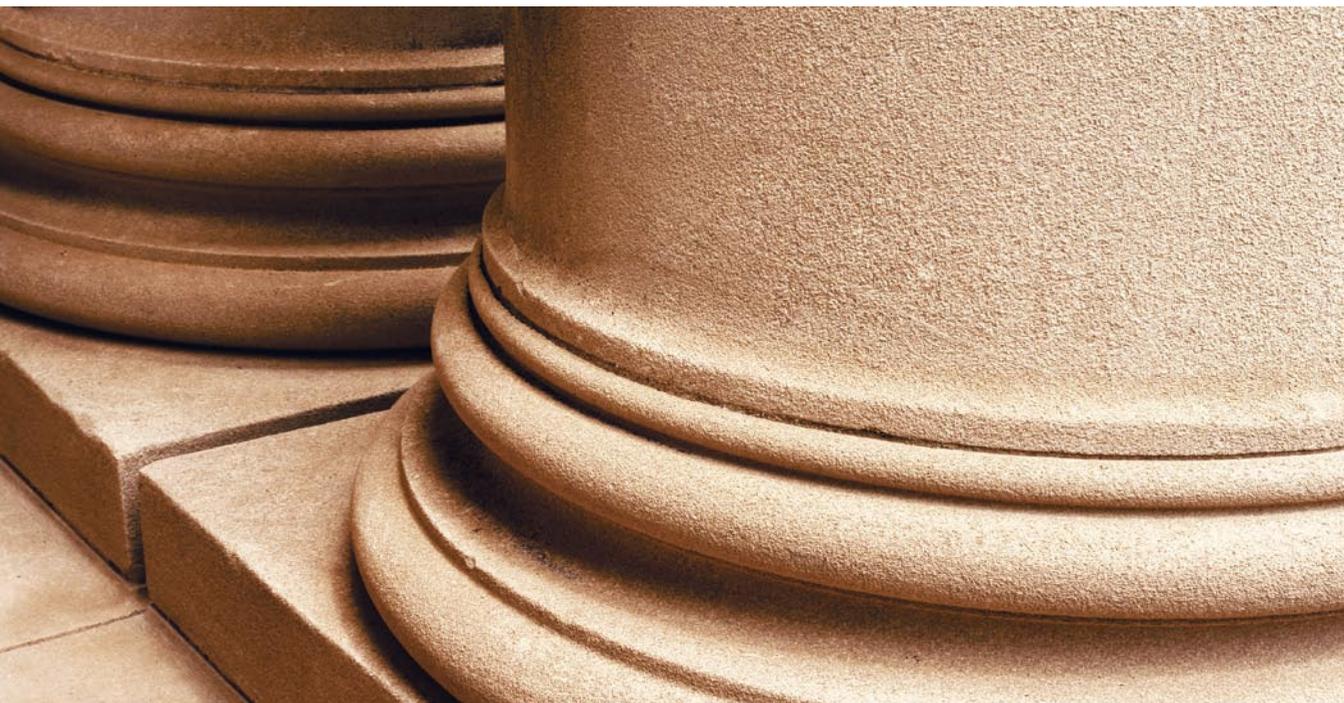
Everybody's Guide to

# Small Claims Court

**THE DEFINITIVE RESOURCE  
FOR 30 YEARS**

- Prepare your case
- Settle before trial
- Make a knockout presentation

Attorney Ralph Warner



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## Statutes of Limitations

These statutes explain when (in years) you must sue for specific types of claims. However, some states have separate rules for particular situations or injuries. Carefully read your state's statutes, or consult an attorney, to learn the rules for your situation.

State	Statute	Contracts		Personal Injury	Property Damage
		Written	Oral		
Alabama	Ala. Code § 6-2-30 et seq.*	6	6	2	6
Alaska	Alaska Stat. § 09.10.010 et seq.	3	3	2	2 <sup>1</sup>
Arizona	Ariz. Rev. Stat. Ann. § 12-541 et seq.	6	3	2	2
Arkansas	Ark. Code Ann. § 16-56-101 et seq.	5	3	3	3
California	Cal. Civ. Proc. Code § 312 et seq.	4	2	2	3
Colorado	Colo. Rev. Stat. § 13-80-102 et seq.	6	6	2	2
Connecticut	Conn. Gen. Stat. Ann. § 52-575 et seq.	6	3	3	2
Delaware	Del. Code Ann. tit. 10, § 8101 et seq.	3	3	3	2
D.C.	D.C. Code § 12-301 et seq.	3	3	3	3
Florida	Fla. Stat. Ann. § 95.011 et seq.	5	4	4	4
Georgia	Ga. Code Ann. § 9-3-20 et seq.	6	4	2	4
Hawaii	Haw. Rev. Stat. § 657-1 et seq.	6	6	2	2
Idaho	Idaho Code § 5-201 et seq.	5	4	2	3
Illinois	735 Ill. Comp. Stat. 5/13-201 et seq.	10	5	2	5
Indiana	Ind. Code Ann. § 34-11-2-1 et seq.	10	6	2	2 <sup>1</sup>
Iowa	Iowa Code Ann. § 614.1 et seq.	10	5	2	5
Kansas	Kan. Stat. Ann. § 60-501 et seq.	5	3	2	2
Kentucky	Ky. Rev. Stat. Ann. § 413.080 et seq.	15	5	1	2 <sup>2</sup>
Louisiana**	La. Civ. Code Art. 3492 et seq.	10	10	1	1
Maine	Me. Rev. Stat. Ann. tit. 14, § 751 et seq.	6	6	6	6
Maryland	Md. Code Ann. [Cts. & Jud. Proc.] § 5-101 et seq.	3	3	3	3
Massachusetts	Mass. Gen. Laws ch. 260, § 1 et seq.	6	6	3	3
Michigan	Mich. Comp. Laws § 600.5801 et seq.	6	6	3	3
Minnesota	Minn. Stat. Ann. § 541.01 et seq.	6	6	6	6
Mississippi	Miss. Code. Ann. § 15-1-1 et seq.	3	3	3	3

\* Et seq. means "and the next sections following in sequence."

\*\* Louisiana: Statute of limitations known as a "liberative prescription," personal injury known as "delictuel action."

1 For personal property; statute is six years for damage to real property.

2 For personal property; statute is five years for damage to real property.

Statutes of Limitations (cont'd)					
State	Statute	Contracts		Personal Injury	Property Damage
		Written	Oral		
Missouri	Mo. Rev. Stat. § 516.097 et seq.	5	5	5	5
Montana	Mont. Code Ann. § 27-2-2021 et seq.	8	5	3	2
Nebraska	Neb. Rev. Stat. § 25-201 et seq.	5	4	4	4
Nevada	Nev. Rev. Stat. Ann. § 11.010 et seq.	6	4	2	3
New Hampshire	N.H. Rev. Stat. Ann. § 508:1 et seq.	3	3	3	3
New Jersey	N.J. Stat. Ann. § 2A:14-1 et seq.	6	6	2	6
New Mexico	N.M. Stat. Ann. § 37-1-1 et seq.	6	4	3	4
New York	N.Y. C.P.L.R. § 201 et seq.	6	6	3	3
North Carolina	N.C. Gen. Stat. § 1-46 et seq.	3	3	3	3
North Dakota	N.D. Cent. Code § 28-01-01 et seq.	6	6	6	6
Ohio	Ohio Rev. Code Ann. § 2305.03 et seq.	15	6	2	4
Oklahoma	Okla. Stat. Ann. tit. 12, § 91 et seq.	5	3	2	2
Oregon	Or. Rev. Stat. § 12.010 et seq.	6	6	10	6
Pennsylvania	42 Pa. Cons. Stat. Ann. § 5501 et seq.	4	4	2	2
Rhode Island	R. I. Gen. Laws § 9-1-12 et seq.	10	10	3	10
South Carolina	S.C. Code Ann. § 15-3-510 et seq.	3	3	3	3
South Dakota	S.D. Codified Laws § 15-2-1 et seq.	6	6	3	6
Tennessee	Tenn. Code Ann. § 28-3-101 et seq.	6	6	1	3
Texas	Tex. Civ. Prac. & Rem. Code Ann. § 16.001 et. seq.; Tex. Bus & Com. Code Ann. § 2.725	4	4	2	2
Utah	Utah Code Ann. § 78B-2-101 et seq.	6	4	4	3
Vermont	Vt. Stat. Ann. tit. 12, § 461 et seq.	6	6	3	3
Virginia	Va. Code Ann. § 8.01-228 et seq.	5	3	2	5
Washington	Wash. Rev. Code Ann. § 4.16.005 et seq.	6	3	3	3
West Virginia	W.Va. Code § 55-2-1 et seq.	10	5	2	2
Wisconsin	Wis. Stat. § 893.01 et seq.	6	6	3	6
Wyoming	Wyo. Stat. Ann. § 1-3-102 et seq.	10	8	4	4

### Sample General Release

1. [person signing release and agreeing not to sue] , Releasor, voluntarily and knowingly executes this release with the express intention of eliminating Releasee's liabilities and obligations as described below.
2. Releasor hereby releases [person being released] , Releasee, from all claims, known or unknown, that have arisen or may arise from the following occurrence: [description of events giving rise to release, including location and date if appropriate—see box for sample language] .

#### Sample Language:

- a. "Repair work incompletely done to Releasor's boat at the Fixmeup Shipyards on 5/6/20xx."
  - b. "Agreement by Releasee made during the week of June 6, 20xx, to deliver the fully laid out and pasted-up manuscript for the book *Do Your Own Brain Surgery* to Releasor's address no later than July 6, 20xx, which Releasee failed to keep."
  - c. "A tree growing on Releasee's property at 1011 Oak Street fell into Releasor's backyard at 1013 Oak Street on August 7, 20xx. It damaged Releasor's fence, which had to be replaced. The tree itself had to be removed."
3. Releasor understands that, as to claims that are known to the parties when the release is signed, any statutory provisions that would otherwise apply to limit this general release are hereby waived. Releasor also understands that this release extends to claims arising out of this incident that are not known by Releasor at the time this release is signed.
  4. In exchange for granting this release Releasor has received the following payment or other consideration: [amount of money, or description of something else of value that person signing release received from other party—see box for sample language] .

#### Sample Language:

- a. "\$150 cash."
- b. "A used RCA television set."
- c. "An agreement by [Releasee's name] to desist from further activities as described in Clause 3 of this release."
- d. "An agreement by [Releasee's name] to repair Releasor's Apple Macintosh computer by January, 20xx."

**Sample General Release (cont'd)**

5. By signing this release Releasor additionally intends to bind his or her spouse, heirs, legal representatives, assigns, and anyone else claiming under him or her. Releasor has not assigned any claim covered by this release to any other party. Releasor also intends that this release apply to the heirs, personal representatives, assigns, insurers, and successors of Releasee as well as to the Releasee.

This release was executed on \_\_\_\_\_, 20\_\_, at  [city and state]

\_\_\_\_\_  
Releasor's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Releasor's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Releasor's address

\_\_\_\_\_  
Releasor's spouse's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Releasor's spouse's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Releasee's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Releasee's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Releasee's address

\_\_\_\_\_  
Releasee's spouse's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Releasee's spouse's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Witness's address

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness's name (print)

\_\_\_\_\_  
County of residence

\_\_\_\_\_  
Witness's address

### Serving Someone With a Post Office Box

If you know nothing more than the individual defendant's post office box, you'll need to get a street address in order to serve the person. To do this, you must give the post office a written statement saying that you need the address solely to serve legal papers in a pending lawsuit. (See "Sample Request to Post Office for Boxholder's Address," below.) This should work, but if it doesn't, refer the post office employee to the Post Office's Administrative Support Manual § 352.44e(2). There is no fee for the Post Office providing this information. 39 CFR § 265.6(d)(4)(ii).

#### Sample Request to Post Office for Boxholder's Address

June 1, 20xx  
Postmaster  
Minneapolis, MN

REQUEST FOR BOXHOLDER INFORMATION NEEDED  
FOR SERVICE OF LEGAL PROCESS

Please furnish the name and street address of the following post office box holder:

Don Defendant  
P.O. Box 0000  
Minneapolis, MN 55405

1. Capacity of requester (e.g., process server, attorney, party representing self): Party representing self.
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se—except a corporation acting pro se must cite statute): I am a party representing myself.

**Sample Request to Post Office for Boxholder's Address (cont'd.)**

3. The names of all known parties to the litigation: Peggy Plaintiff and Don Defendant.
4. The court in which the case has been or will be heard: Hennepin County Small Claims Court, City Hall, Room 306, Minneapolis, MN 55415.
5. The docket or other identifying number if one has been issued: Case Number 000000.
6. The capacity in which this individual is to be served (e.g., defendant or witness): Defendant.

WARNING: THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.

*Peggy Plaintiff*

Peggy Plaintiff  
123 Maiden Lane  
Minneapolis, MN

Sample Proof of Service

<div style="background-color: black; color: white; padding: 5px; display: inline-block; font-weight: bold; font-size: 1.2em;">SC-104</div> <span style="font-weight: bold; font-size: 1.2em; margin-left: 10px;">Proof of Service</span>	<p style="font-size: 0.8em; margin: 0;">Clerk stamps date here when form is filed.</p>     <p style="font-size: 0.8em; margin: 0;">Fill in court name and street address:</p> <div style="border: 1px solid black; padding: 5px; font-size: 0.9em;"> <p><b>Superior Court of California, County of</b>                  Alameda                  600 Washington Street                  3rd Floor                  Oakland, CA 94607</p> </div> <p style="font-size: 0.8em; margin: 0;">Fill in case number, case name, hearing date, day, time, and department below:</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td colspan="2"><b>Case Number:</b> 002006</td> </tr> <tr> <td colspan="2"><b>Case Name:</b> Printer v. Acme Illusions, Inc.</td> </tr> <tr> <td colspan="2"><b>Hearing Date:</b> 6/15/20xx</td> </tr> <tr> <td><b>Time:</b> 9:00 a.m.</td> <td><b>Dept.:</b> 304</td> </tr> </table>	<b>Case Number:</b> 002006		<b>Case Name:</b> Printer v. Acme Illusions, Inc.		<b>Hearing Date:</b> 6/15/20xx		<b>Time:</b> 9:00 a.m.	<b>Dept.:</b> 304
<b>Case Number:</b> 002006									
<b>Case Name:</b> Printer v. Acme Illusions, Inc.									
<b>Hearing Date:</b> 6/15/20xx									
<b>Time:</b> 9:00 a.m.	<b>Dept.:</b> 304								
<p>Use this form to serve a <b>person, business, or a public entity</b>. To learn more about proof of service, read <i>What Is "Proof of Service"?</i>, Form SC-104B. To learn more about how to serve a business or entity, read <i>How to Serve a Business or Public Entity</i>, Form SC-104C.</p> <p>To serve a <b>business</b>, you must serve <b>one</b> of the following people:</p> <ul style="list-style-type: none"> <li>• Owner (for a sole proprietorship)</li> <li>• Partner (for a partnership) or general partner (for a limited partnership)</li> <li>• Any officer or general manager (corporation or association)</li> <li>• Any person authorized for service by the business (corporation, association, general partnership, limited partnership)</li> <li>• Any person authorized for service with the Secretary of State (corporation, association, limited liability company (LLC), limited liability partnership (LLP), limited partnership)</li> </ul> <p>To serve a <b>public entity</b>, you must first file a claim with that entity, then serve <b>one</b> of the following people:</p> <ul style="list-style-type: none"> <li>• Clerk (of a city or county)</li> <li>• Chief Officer or Director (of a public agency)</li> <li>• Any person authorized for service by the entity</li> </ul> <p>① a. If you are serving a <b>person</b>, write the person's name below:</p> <p>_____</p> <p>b. If you are serving a <b>business or entity</b>, write the name of the business or entity, the person authorized for service, and that person's job title:</p> <p><u>Acme Illusions, Inc. Waldo Fergus, President</u></p> <p style="font-size: 0.8em; margin: 0;">Business or Agency Name      Person Authorized for Service      Job Title</p> <p>② <b>Instructions to Server:</b></p> <p>You must be at least 18 years old and <b>not be named in this case</b>. Follow these steps: Give a copy of all the documents checked in ③ to:</p> <ul style="list-style-type: none"> <li>• The person in ①, <i>or</i></li> <li>• A competent adult (at least 18) living with, and at the home of the person in ①, <i>or</i></li> <li>• An adult (at least 18) who seems to be in charge at the usual workplace of the person in ①, <i>or</i></li> <li>• An adult (at least 18) who seems to be in charge where the person in ① receives mail, (but not a U.S. post office box), if there is no known physical address for the person in ①.</li> </ul> <p>THEN,</p> <ul style="list-style-type: none"> <li>• Mail a copy of the documents to the person in ①.</li> <li>• Complete and sign this form, and</li> <li>• Give or mail your completed form to the person who asked you to serve these court papers.</li> </ul> <p>③ <b>I served the person in ① a copy of the documents checked below:</b></p> <p>a. <input checked="" type="checkbox"/> SC-100, <i>Plaintiff's Claim and ORDER to Go to Small Claims Court</i></p> <p>b. <input type="checkbox"/> SC-120, <i>Defendant's Claim and ORDER to Go to Small Claims Court</i></p> <p>c. <input type="checkbox"/> Order for examination (<i>This form must be personally served. Check the form that was served</i>):</p> <p style="font-size: 0.8em; margin: 0;"><i>Note: The court can issue a civil arrest warrant if the served party does not come to court only if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.</i></p> <p>(1) <input type="checkbox"/> SC-134, <i>Application and Order to Produce Statement of Assets and to Appear for Examination</i></p> <p>(2) <input type="checkbox"/> AT-138/EJ-125, <i>Application and Order for Appearance and Examination</i></p> <p>d. <input type="checkbox"/> Other (<i>specify</i>): _____</p>									
Judicial Council of California, www.courtinfo.ca.gov Revised January 1, 2007, Optional Form Code of Civil Procedure, §§ 116.340, 415.10, 415.20	Proof of Service (Small Claims)	SC-104, Page 1 of 2  American LegalNet, Inc. www.FormsWorkflow.com							

## Sample Proof of Service (cont'd)

Case name: <u>Printer v. Acme Illusions, Inc.</u>	Case Number: <u>002006</u>
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**4** Fill out "a" or "b" below:

a.  **Personal Service:** I personally gave copies of the documents checked in **3** to the person in **1**:

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

b.  **Substituted Service:** I personally gave copies of the documents checked in **3** (a, b, or d) to (check one):

a competent adult (at least 18) at the **home** of, and living with the person in **1**, or

an adult who seems to be in charge where the person in **1** usually works, or

an adult who seems to be in charge where the person in **1** receives mail, or has a private post office box (not a U.S. post office box), if there is no known physical address for the person in **1**.

I told that adult, "Please give these court papers to (name of person in **1**)."

I did this on (date): May 10, 20xx At (time): 10:15  a.m.  p.m.

At this address: 100 Primrose Path

City: Oakland State: CA Zip: 94602

Name or description of the person I gave the papers to: Donna Doolittle

After serving the court papers, I put copies of the documents listed in **3** in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in **1** at the address where I left the copies.

I mailed the envelope on (date): 5/11/20xx from (city, state): Fremont, CA by leaving it (check one):

a.  At a U.S. Postal Service mail drop, or

b.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, or

c.  With someone else I asked to mail the documents to the person in **1** and I have attached that person's completed Form SC-104A.

**5** **Server's Information**

Name: Margaret Middleman Phone: 510-703-2220

Address: 123 Treelined Way

City: Fremont State: CA Zip: 94536

Fee for service: \$ -0-

If you are a registered process server:

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

**6** I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: 5/11/20xx

Margaret Middleman Margaret Middleman

Type or print server's name Server signs here after serving

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Revised January 1, 2007 **Proof of Service** **SC-104**, Page 2 of 2

**(Small Claims)**

Sample Small Claims Subpoena

Municipal Court, County of Alameda		SC-107										
Name and Address of Court: Berkeley-Albany Judicial District												
2000 Center Street, Berkeley, CA 94704		SMALL CLAIMS CASE NO. (123456)										
PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):		DEFENDANT/DEMANDADO (Name, address, and telephone number of each):										
Public Library 100 Allston Way Berkeley, CA 94704		John O'Gara 100 Scenic Drive Berkeley, CA 94702										
Telephone No.:	_____	Telephone No.:										
Telephone No.:	_____	Telephone No.:										
<input type="checkbox"/> See attached sheet for additional plaintiffs and defendants.												
<b>SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING AND DECLARATION</b>												
THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):												
Jane Doe												
1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this case at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 4b below or you make an agreement with the person named in item 2 below.												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>a. Date:</td> <td>Time:</td> <td><input type="checkbox"/> Dept.:</td> <td><input type="checkbox"/> Div.:</td> <td><input type="checkbox"/> Room:</td> </tr> <tr> <td colspan="5">b. Address:</td> </tr> </table>			a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:	b. Address:				
a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:								
b. Address:												
2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:												
a. Name of subpoenaing party: John O'Gara		b. Telephone number: 510-555-1212										
3. <b>Witness Fees:</b> You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.												
<b>PRODUCTION OF DOCUMENTS AND THINGS</b>												
(Complete item 4 only if you want the witness to produce documents and things at the trial or hearing.)												
4. YOU ARE (item a or b must be checked):												
a. <input checked="" type="checkbox"/> Ordered to appear in person and to produce the records described in the declaration on page two. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.												
b. <input type="checkbox"/> Not required to appear in person if you produce (i) the records described in the declaration on page two and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.												
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.												
<b>DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.</b>												
(SEAL)	Date issued: _____											
	Clerk, by _____, Deputy											
(See reverse for declaration in support of subpoena)												
SMALL CLAIMS SUBPOENA AND DECLARATION		Page one of three Code of Civil Procedure, § 1985 et seq.										
Form Adopted for Mandatory Use Judicial Council of California SC-107 [Rev. January 1, 2000]												

Sample Small Claims Subpoena (cont'd.)

PLAINTIFF/PETITIONER: <i>Public Library, 100 Allston Way, Berkeley</i>	CASE NUMBER: <i>123456</i>
DEFENDANT/RESPONDENT: <i>John O'Gara, 100 Scenic Dr., Berkeley</i>	

**DECLARATION IN SUPPORT OF  
SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE  
AND PRODUCTION OF DOCUMENT AND THINGS AT TRIAL OR HEARING  
(Code Civil Procedure sections 1985, 1987.5)**

1. I, the undersigned, declare I am the  plaintiff  defendant  judgment creditor  
 other (specify): in the above entitled action.

2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified on the *Small Claims Subpoena* on the first page of this form.

a.  For trial or hearing (specify the exact documents or other things to be produced by the witness):

*Book inventory information collected by the main branch of the public library during the calendar year 20xx.*

Continued on Attachment 2a.

b.  After trial to enforce a judgment (specify the exact documents or other things to be produced by the party who is the judgment debtor or other witness possessing records relating to the judgment debtor):

- (1)  Payroll receipts, stubs, and other records concerning employment of the party. Receipts, invoices, documents, and other papers or records concerning any and all accounts receivable of the party.
- (2)  Bank account statements, canceled checks, and check registers from any and all bank accounts in which the party has an interest.
- (3)  Savings account passbooks and statements, savings and loan account passbooks and statements, and credit union share account passbooks and statements of the party.
- (4)  Stock certificates, bonds, money market certificates, and any other records, documents, or papers concerning all investments of the party.
- (5)  California registration certificates and ownership certificates for all vehicles registered to the party.
- (6)  Deeds to any and all real property owned or being purchased by the party.
- (7)  Other (specify):

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:

*My contention is that I returned the books for which the library is suing me. The inventory should back me up on this.*

Continued on Attachment 3.

4. These documents are material to the issues involved in this case for the following reasons:

*The location of the books at issue is central to this case.*

Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: *May 20, 20xx*

*John O'Gara*

(TYPE OR PRINT NAME)



*John O'Gara*

(SIGNATURE OF PARTY)

(See proof of service on page three)

## Sample Legal Research Memo

## MEMO

August 10, 20xx

*Lee vs. Yew*

Small Claims #127654

To: Small Claims Judge

From: Robert Yew, Defendant

Re: California law on boundary trees

This case involves Mr. Lee, my next-door neighbor, suing me because he claims my Monterey Pine tree drops debris on his roof and yard. Although he is asking for a judgment of \$500 for cleanup costs, what he really wants is for me to pay several thousand dollars to remove the 80-foot tree.

There is only one problem with Mr. Lee's argument—because the tree touches our boundary line, the tree is half his. That's because California law, as set forth in Civil Code Section 834, clearly states that "Trees whose trunks stand partly on the land of two or more coterminous owners, belong to them in common."

Mr. Lee will argue that the tree was planted 100% on my property by the person who owned my house before I bought it and that the tree is still 90% on my side of the property line. Both contentions are true, but as you can see under Civil Code Section 834, it makes no difference. As long as the tree touches the boundary line—which the photographs I have presented the court clearly prove—the tree belongs to both of us as co-owners (tenants in common). (*Anderson v. Weiland*, 12 Cal.2d 730 (1936).)

I have offered to try and mediate the dispute, but so far Mr. Lee says, "No." I hope he will change his mind.

Respectfully submitted,

*Robert Yew*

Robert Yew

## Sample Car Repair Demand Letter

Haig Mackey  
 15 Orange Street  
 Hamden, CT  
 October 1, 20xx

Happy Days Motors  
 100 Speedway  
 New Haven, CT

Dear People:

On August 13, 20xx, I brought my 2000 Ford to your garage. You agreed to do a complete engine rebuild job for \$1,525. You told me, “Your car will be running like a watch when we’re through with it.” The car worked well when I brought it in, but was a little short on power. Two days later, when I picked up my car, it barely moved at all. The engine made such a clanging noise that I’ve been afraid to drive it.

I have repeatedly asked you to fix the car or to refund my money. You have refused.

I’ve had two mechanics check out my car since you worked on it. Both agree you did your work improperly and even installed some used parts instead of new ones, which you did not tell me. The work you did on the engine rings was particularly poorly done.

After receiving no response from you, I had the work redone at a cost of \$900. My car now works well. Please refund my \$1,525. Should you fail to do so within ten days, I will promptly file complaints with the local Better Business Bureau and take this dispute to small claims court. I hope to hear from you promptly.

Sincerely,  
*Haig Mackey*  
 Haig Mackey

cc: Connecticut Dept. of Consumer Affairs  
 Bureau of Automotive Repair  
 Hartford, CT

**Demand Letter**

14 Stockton Street  
Moline, IL  
January 27, 20xx

John Malinosky  
321 South Zaporah  
Moline, IL

Dear Mr. Malinosky:

This letter is a follow-up to our recent phone conversation in which you refused to discuss the fact that the 2002 BMW motorcycle I purchased from you on January 15 is not in the “excellent condition” that you claimed.

To review: On January 12, I saw your ad for a motorcycle that was “almost new—hardly used—excellent condition” in the local flea market newspaper. I called you, and you told me that the cycle was a terrific bargain and that you would never sell it except that you needed money for school. I told you that I didn’t know much about machinery.

The next day, you took me for a ride on the cycle. You told me specifically that:

1. The cycle had just been tuned up.
2. The cycle had been driven less than 30,000 miles.
3. The cycle had never been raced or used roughly.
4. If anything went wrong with the cycle in the next month or two, you would see that it was fixed.

Relying on these statements, I bought the cycle from you for \$7,500.

I had the cycle less than a week when the brakes went out. When I had them checked, the mechanic told me that the transmission also needed

**Demand Letter (cont'd.)**

work (I confirmed this with another mechanic—see attached estimate). The mechanic also told me that the cycle had been driven at least 75,000 miles (perhaps a lot more) and that it needed a tune-up. In addition, he showed me caked mud and scratches under the cycle frame that indicated to him that it had been driven extensively off the road in rough terrain and had probably been raced on dirt tracks.

The lowest estimate to do the repairs was \$2,150. Before having the work done, I called you to explain the situation and to give you a chance to arrange for the repairs to be made, or to make them yourself. You laughed at me and said, “Sister, do what you need to do—you’re not getting one dime from me.”

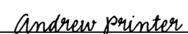
Again I respectfully request that you make good on the promises you made to me on January 15. I relied on the truth of your statements when I decided to buy the bike. I enclose a copy of the mechanic’s bill for \$2,150, along with copies of several higher estimates that I received from other repair shops.

Sincerely,

*Barbara Parker*

Barbara Parker

Sample Acknowledgment of Satisfaction of Judgment

<b>EJ-100</b>	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): After recording return to:	
Andrew Printer, Judgment Creditor 1800 Marilee Street Fremont, CA 94536 TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>Alameda</u> STREET ADDRESS: <u>600 Washington Street, 3rd Floor</u> MAILING ADDRESS: CITY AND ZIP CODE: <u>Oakland, CA 94607</u> BRANCH NAME:	
<i>FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY</i>	
PLAINTIFF: <u>Andrew Printer</u>  DEFENDANT: <u>Acme Illusions, Inc.</u>	CASE NUMBER:  <u>002006</u>
<b>ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT</b>	
<input checked="" type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> MATURED INSTALLMENT	
1. Satisfaction of the judgment is acknowledged as follows: a. <input type="checkbox"/> Full satisfaction (1) <input checked="" type="checkbox"/> Judgment is satisfied in full. (2) <input type="checkbox"/> The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment. b. <input type="checkbox"/> Partial satisfaction The amount received in partial satisfaction of the judgment is \$ c. <input type="checkbox"/> Matured installment All matured installments under the installment judgment have been satisfied as of (date):	
2. Full name and address of judgment creditor:* <u>Andrew Printer</u> <u>1800 Marilee Street, Fremont, CA 94536</u>	
3. Full name and address of assignee of record, if any:  <u>N/A</u>	
4. Full name and address of judgment debtor being fully or partially released:* <u>Acme Illusions, Inc., 100 Primrose Path, Oakland, CA 94602</u>	
5. a. Judgment entered on (date): <u>7/21/20xx</u> b. <input type="checkbox"/> Renewal entered on (date):	
6. <input checked="" type="checkbox"/> An <input checked="" type="checkbox"/> abstract of judgment <input type="checkbox"/> certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):	
COUNTY <u>Alameda County</u>	DATE OF RECORDING <u>8/14/20xx</u>
INSTRUMENT NUMBER <u>21</u>	
7. <input type="checkbox"/> A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):	
<b>NOTICE TO JUDGMENT DEBTOR:</b> If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.	
Date: <u>8/14/20xx</u>	 (SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY**)
Page 1 of 1	
<small>*The names of the judgment creditor and judgment debtor must be stated as shown in any Abstract of Judgment which was recorded and is being released by this satisfaction. ** A separate notary acknowledgment must be attached for each signature.</small>	
<b>ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT</b>	
<small>Form Approved for Optional Use                  Judicial Council of California                  EJ-100 [Rev. January 1, 2005]      Code of Civil Procedure, §§ 724.060, 724.120, 724.250</small>	

**Sample Payment Request With Information on Making Payments to the Court**

P.O. Box 18-C  
Bangor, Maine  
July 2, 20xx

Donald Lee  
Donald Lee Industries  
14 Western Avenue, S.W.  
Bangor, Maine

Re: *Andrews vs. Lee* (Small Claims Case No. 200600)

Dear Mr. Lee,

As you know, a judgment was entered against you in small claims court on June 25 in the amount of \$4,112.87. If you would prefer to pay the small claims court rather than pay me directly, you can do so. However, please be aware that the court may charge a small fee for processing your payment. To arrange payments directly to the court, contact the small claims clerk at \_\_\_\_\_ [*name and address of court where small claims case was decided*]\_\_\_\_\_.

As an alternative, you can send the payment directly to me. I would appreciate your handling this matter within ten days from the date of this letter.

Thank you for your consideration.

Very truly yours,  
*Alice Andrews*  
Alice Andrews

## Sample Request to Set Aside Payment Terms

CITY OF \_\_\_\_\_, SMALL CLAIMS COURT  
 [Plaintiff's name], PLAINTIFF VS. [Defendant's name], DEFENDANT  
 CASE NO. \_\_\_\_\_

MOTION OF JUDGMENT CREDITOR  
 TO SET ASIDE TERMS FOR PAYMENT OF JUDGMENT

The undersigned hereby declares the following:

1. The judgment was entered in the above-entitled action on [date] against the judgment debtor(s) [name(s)] in the amount of: \$\_\_\_\_\_ principal, \$\_\_\_\_\_ interest, and \$\_\_\_\_\_ costs.

2. The judgment bore terms for payment of the above amount as follows: \$\_\_\_\_\_ to be paid on [date] and \$\_\_\_\_\_ to be paid on [date].  
 (Complete the applicable item below.)

- No "grace period" for late payments was stated on the judgment.  
 If payment is (specify): \_\_\_\_\_ days late, the entire balance is due and owing.

3. The judgment debtor(s) has defaulted in payment of the judgment, and the balance owing is \$\_\_\_\_\_, including interest and costs awarded at the time of judgment. The last payment by the judgment debtor(s) was made on [date] in the amount of \$\_\_\_\_\_.

4. The judgment creditor therefore petitions the court for an order setting aside the terms for payment of the judgment so that execution on the entire balance of the judgment may issue forthwith.

5. I, the undersigned, am [specify: "the judgment creditor," or "the agent for the judgment creditor"]\_\_\_\_\_.

I declare under penalty of perjury under the laws of the State of \_\_\_\_\_ that this declaration is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Declarant

\_\_\_\_\_  
 [print name of declarant]

NOTICE TO THE JUDGMENT DEBTOR(S):

If you dispute any allegation made in this motion, you must file a declaration in opposition to the motion with the small claims court within 10 days of the mailing of this motion.

**Sample Judgment Debtor's Statement of Assets**

**MAIL TO THE JUDGMENT CREDITOR  
DO NOT FILE WITH THE COURT**

SC-133

**JUDGMENT CREDITOR** (the person or business who won the case) (*name*):

**JUDGMENT DEBTOR** (the person or business who lost the case and owes money) (*name*):

SMALL CLAIMS CASE NO.:

<p><b>NOTICE TO JUDGMENT DEBTOR:</b> You <i>must</i> (1) pay the judgment or (2) appeal or (3) file a motion to vacate. If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.</p>	<p><b>AVISO AL DEUDOR POR FALLO JUDICIAL:</b> Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad. Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.</p>
--	--

**INSTRUCTIONS**

The small claims court has ruled that you owe money to the judgment creditor.

1. You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
  - a. If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130) was mailed or handed to you by the clerk.
  - b. If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. The judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
2. Unless you **pay the judgment or appeal the judgment or file a motion to vacate, you must fill out this form and mail it to the person who won the case** within 30 days after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk. Mailing this completed form does not stay enforcement of the judgment.
3. If you lose your appeal or motion to vacate, you must pay the judgment, including postjudgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
4. Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

- a.  (*Corporation or partnership*) Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.
- b.  (*Governmental agency*) Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

**JUDGMENT DEBTOR'S STATEMENT OF ASSETS**

**EMPLOYMENT**

1. What are your sources of income and occupation? (*Provide job title and name of division or office in which you work.*)
2. a. Name and address of your business or employer (*include address of your payroll or human resources department, if different*):
 

b. If not employed, names and addresses of all sources of income (*specify*):
3. How often are you paid?
 

daily       every two weeks       monthly

weekly       twice a month       other (*explain*):
4. What is your gross pay each pay period? \$
5. What is your take-home pay each pay period? \$
6. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (*specify*):

**Sample Judgment Debtor's Statement of Assets (cont'd.)**

**CASH, BANK DEPOSITS**

7. How much money do you have in cash? . . . . . \$  
 8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

Name and address of financial institution	Account number	Individual or joint?	Balance
a.			\$
b.			\$
c.			\$

**PROPERTY**

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

Make and year	License and vehicle identification (VIN) numbers	Value	Legal owner if different from registered owner	Amount owed
a.		\$		\$
b.		\$		\$
c.		\$		\$
d.		\$		\$

10. List all real estate owned in your name or jointly:

Address of real estate	Fair market value	Amount owed
a.	\$	\$
b.	\$	\$

**OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)**

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

Description	Value	Address where property is located
a.	\$	
b.	\$	
c.	\$	

12. Is anyone holding assets for you?  Yes.  No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days?  Yes.  No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ \_\_\_\_\_, beginning on (*date*): \_\_\_\_\_. If you are unable to agree, you may also ask the court for permission to make installment payments by filing a *Request to Pay Judgment in Installments* (form SC-106).

15. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
(SIGNATURE)

**Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.**



**Sample Letter Containing Wage Levying Instructions**

P.O. Box 66  
Jackson, New York  
March 1, 20xx

Sheriff (Civil Division)  
Mapleville, New York

Re: *John Toller vs. Mildred Edwards*  
Small Claims Court No. 81-52

Dear Sheriff:

Enclosed you will find the original and one copy of a Property-Income Execution issued by the small claims court in the amount of \$ \_\_\_\_\_. I also enclose a check for your fee in the amount of \$\_\_\_\_\_.

I hereby instruct you to execute on the wages of Mildred Edwards, who works at the Graphite Oil Co., 1341 Chester Street, Mapleville, New York. Please serve the Execution on or before March 15, 20xx. *[For a bank account, you would simply substitute "all monies in the accounts of Mildred Edwards, located at [address]." You generally do not need to know the account number—although some counties may require it—only the bank and branch, but your chance of collecting is probably better if you can supply the account number.]*

Very truly yours,  
*John Toller*  
John Toller

Sample Letter to Sheriff Requesting Levy

P.O. Box 66  
Jackson, New York  
March 1, 20xx

Sheriff (Civil Division)  
Cheyenne, New York

Re: *John Toller vs. Mildred Edwards*  
No. SC 81-52

Dear Sheriff:

You are hereby instructed, under the authority of the enclosed Property-Income Execution, to execute upon and sell all of the right, title, and interest of Mildred Edwards, judgment debtor, in the following motor vehicle:

*[Enter the description of the car as it appears on the DMV report, including the license number.]*

The vehicle is registered in the name(s) of Mildred Edwards, and is regularly found at the following address(es):

*[List home and work address of owner. Remember that the car must be in a public place, such as parked on a street.]*

Enclosed is my check for \$\_\_\_\_\_ to cover your costs of execution and sale.

Very truly yours,  
*John Toller*  
John Toller

<b>Time Limits to Collect Court Judgments</b>		
<b>State</b>	<b>Statute</b>	<b>Time Limit</b>
Alabama	Ala. Code § 6-2-32	20 years
Alaska	Alaska Stat. § 09.10.040	10 years
Arizona	Ariz. Rev. Stat. Ann. § 12-1551	5 years
Arkansas	Ark. Code Ann. §§ 16-56-114, 16-19-1002	10 years (5 years in justice of peace courts)
California	Cal. Civ. Proc. Code § 683.020	10 years
Colorado	Colo. Rev. Stat. § 13-52-102	20 years
Connecticut	Conn. Gen. Stat. Ann. § 52-598	20 years (10 years if small claims court judgment)
Delaware	Del. Code Ann. tit. 10, § 4711	10 years
District of Columbia	D.C. Code Ann. § 15-101	12 years
Florida	Fla. Stat. Ann. § 95.11(1)	20 years
Georgia	Ga. Code Ann. § 9-12-60	7 years
Hawaii	Haw. Rev. Stat. § 657-5	10 years
Idaho	Idaho Code § 5-215	6 years
Illinois	735 Ill. Comp. Stat. § 5/12-108	7 years
Indiana	Ind. Code Ann. § 34-11-2-11	10 years
Iowa	Iowa Code § 614.1(6)	20 years
Kansas	Kan. Stat. Ann. § 60-2403	5 years
Kentucky	Ky. Rev. Stat. Ann. § 413.090	15 years
Louisiana	La. Civ. Code Ann. Art. 3501	10 years
Maine	Me. Rev. Stat. Ann. tit. 14, § 864	20 years
Maryland	Md. Code Ann. [Cts. & Jud. Proc.] § 5-102(a)(3)	12 years
Massachusetts	Mass. Gen. Laws ch. 260, § 20	20 years
Michigan	Mich. Comp. Laws § 600.5809(3)	10 years
Minnesota	Minn. Stat. Ann. § 541.04	10 years
Mississippi	Miss. Code Ann. § 15-1-43	7 years
Missouri	Mo. Rev. Stat. § 511.370	10 years

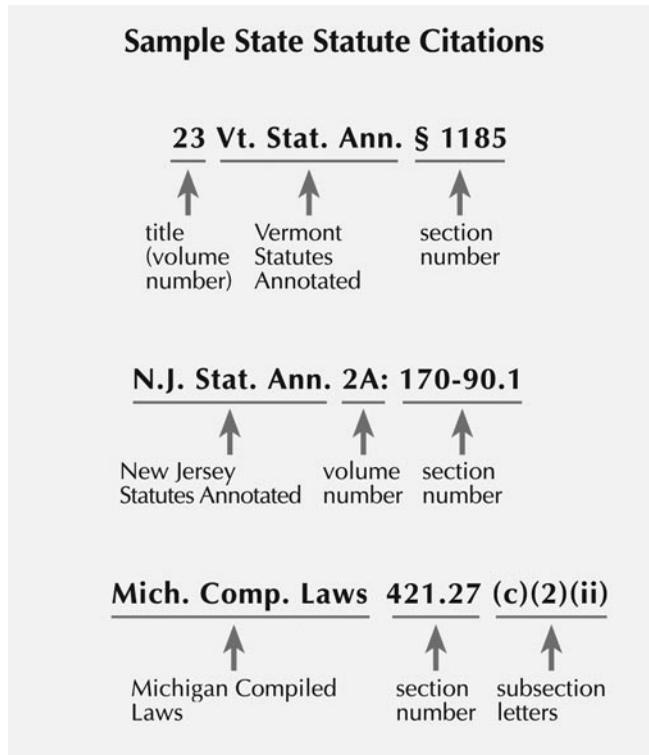
<b>Time Limits to Collect Court Judgments (cont'd)</b>		
<b>State</b>	<b>Statute</b>	<b>Time Limit</b>
Montana	Mont. Code Ann. § 27-2-201	10 years
Nebraska	Neb. Rev. Stat. § 25-1515	5 years
Nevada	Nev. Rev. Stat. Ann. § 11.190(1)(a)	6 years
New Hampshire	N.H. Rev. Stat. Ann. § 508:5	20 years
New Jersey	N.J. Stat. Ann. § 2a:14-5	20 years
New Mexico	N.M. Stat. Ann. § 37-1-2	14 years
New York	N.Y. C.P.L.R. Law § 211(b)	20 years
North Carolina	N.C. Gen. Stat. § 1-47	10 years
North Dakota	N.D. Cent. Code § 28-01-15(1)	10 years
Ohio	Ohio Rev. Code Ann. § 2325.18	10 years
Oklahoma	Okla. Stat. Ann. tit. 12, § 735	5 years
Oregon	Or. Rev. Stat. Ann. § 12.070	10 years
Pennsylvania	42 Pa. Cons. Stat. Ann. § 5525(5)	4 years
Rhode Island	R.I. Gen. Laws § 9-1-17	20 years
South Carolina	S.C. Code Ann. § 15-3-600	10 years
South Dakota	S.D. Codified Laws § 15-2-6(1)	20 years
Tennessee	Tenn. Code Ann. § 28-3-110(2)	10 years
Texas	Tex. Civ. Prac. & Rem. Code Ann. § 34.001	10 years
Utah	Utah Code Ann. § 78B-2-311	8 years
Vermont	Vt. Stat. Ann. tit. 12, § 506	8 years
Virginia	Va. Code Ann. § 8.01-251	20 years
Washington	Wash. Rev. Code Ann. § 4.16.020(2)	10 years
West Virginia	W. Va. Code § 38-3-18	10 years
Wisconsin	Wis. Stat. § 893.40	20 years
Wyoming	Wyo. Stat. Ann. § 1-17-307	5 years

## State Laws

The easiest way to find a copy of a state law (also called a statute) is if you already know its citation—that is, the number of the specific statute. If you don't know the statute's citation, there are both Internet and print resources to help you find statutes on a particular subject.

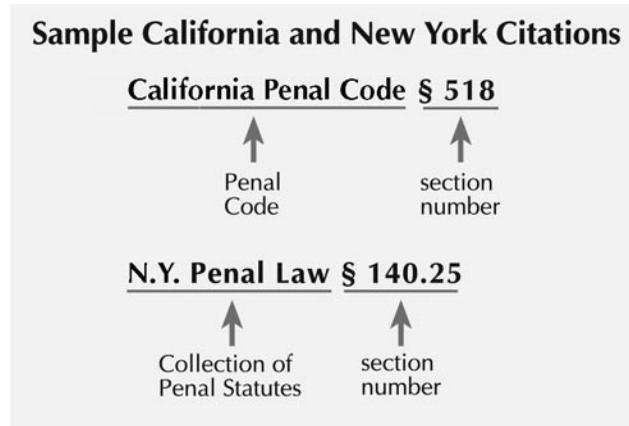
### If You Know the Citation

Citations to state statutes normally refer to the title (or volume) and section numbers. The three examples shown in Figure 1 are typical.



**Figure 1**

Some states' laws are divided up into several different topical sections. In states such as New York and California, citations look like those shown below.



**Figure 2**

When you know the statute's citation, then you can use the Internet or a local law library to get a copy.

## Using the Internet

Every state now maintains its statutes on the Internet. The websites vary in their format, but almost all of them allow you to search for statutes by topic, keyword, or citation. Start your search with Nolo.com's legal research pages (at [www.nolo.com](http://www.nolo.com); go to "Site Map," then "[State Law Resources](#)"). This will guide you to your state's website containing laws and other legislative materials.

If your state's official website does not allow you to search by topic or keyword, then try one of the following websites:

- FindLaw ([www.findlaw.com](http://www.findlaw.com)).
- The Cornell Legal Information Institute ([www.law.cornell.edu](http://www.law.cornell.edu)) lets you search for statutes by topic as well as by name. The "search by

**1**

**SPITE FENCES**

**2**

**§ 21. Definition; remedy of injured occupant**

A fence or other structure in the nature of a fence which unnecessarily exceeds six feet in height and is maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property shall be deemed a private nuisance. Any such owner or occupant injured in the comfort or enjoyment of his estate thereby may have an action of tort for damages under chapter two hundred and forty-three.

**3**

**4**

**Historical Note**

St.1887 c. 348. R.L.1902 c. 33 § 19. **5**

**Library References**

Nuisance ↪3(12). Comment. Damnum absque injuria, see M.P.S. vol. 14, Simpson, § 1373. **6**

**Notes of Decisions**

**Constitutionality** 1  
**Distance from boundary line** 3  
**Motive in erecting fence** 2  
**Persons liable** 4  
**Subsequent proceedings** 5  
**Validity** 1

**7**

**1. Validity**

St.1887, c. 348, declaring fences unnecessarily exceeding six feet in height for annoyance of adjoining owner to be private nuisances, applies to existing structures subsequently maintained as well as those afterward erected and is constitutional. *Rideout v. Knox* (1889) 19 N.E. 300, 148 Mass. 368, 2 L.R.A. 81, 12 Am.St.Rep. 560; *Smith v. Morse* (1889) 19 N.E. 393, 148 Mass. 407.

**2. Motive in erecting fence**

Under St.1887, c. 348, purpose of annoyance must be dominant motive for erecting and maintaining fence. *Rideout v. Knox* (1889) 19 N.E. 300, 148 Mass. 368, 2 L.R.A. 81, 12 Am.St.Rep. 560.

**3. Distance from boundary line**

Where defendant maliciously erected fence unnecessarily more than 6 feet

**8**

**9**

**449**

Figure 3





## Alabama

**Court:** Small Claims Docket (district court).

**Statutes:** Ala. Code §§ 6-3-2; 6-3-7; 12-12-31; 12-12-70; 12-12-71.

**Court rules:** Alabama Small Claims Rules, Rules A to N; Alabama Small Claims Forms, 1 to 5.

**Court information:** [www.alsp.org](http://www.alsp.org) (click "Consumer Issues/Small Claims Actions")

**Dollar limit:** \$3,000.

**Where to sue:** County or district where any defendant resides or where injury or property damage occurred. Corporation, where injury or property damage occurred, where principal place of business is located, or where plaintiff resides (if defendant does business there).

**Service of process:** Sheriff or other person approved by court; or certified mail, if requested.

**Defendant's response:** Defendant must file written answer within 14 days of service to avoid default.

**Transfer:** No provision.

**Attorneys:** Allowed; required for assignees (collection agencies).

**Appeals:** Allowed by either party within 14 days. Heard in circuit court as a new trial.

**Evictions:** No.

**Jury trials:** Not allowed.

## Alaska

**Court:** Small Claims Procedure (district court or magistrate).

**Statutes:** Alaska Stat. § 22.15.040; 22.15.050

**Court rules:** Alaska District Court Rules of Civil Procedure, Rules 8 to 22.

**Court information:** <http://courts.alaska.gov>

**Dollar limit:** \$10,000.

**Where to sue:** Court nearest to defendant's residence or place of employment, district in which injury or property damage occurred, district where defendant does business, or a place that will not cause unnecessary expense or inconvenience for defendant.

**Service of process:** Peace officer or registered or certified mail sent by court clerk. Certified or registered mail service is binding on defendant who refuses to accept and sign for letter. If defendant refuses service, clerk will send by regular first-class mail, and service is assumed.

**Defendant's response:** Defendant must file written answer within 20 days of service to avoid default.

**Transfer:** Defendant (or plaintiff against whom a counterclaim has been filed) or judge may transfer case to regular district court.

**Attorneys:** Allowed; required for assignees (collection agencies).

**Appeals:** Allowed by either party; heard in superior court on law, not facts.

**Evictions:** No.

**Jury trials:** Not allowed.

## Arizona

**Court:** Justice of the Peace Court.

**Statutes:** Ariz. Rev. Stat. Ann. §§ 22-501 to 22-524.

**Court information:** [www.supreme.state.az.us/info/brochures/smclaims.htm](http://www.supreme.state.az.us/info/brochures/smclaims.htm) or [www.jp.co.pima.az.us](http://www.jp.co.pima.az.us)

**Dollar limit:** \$2,500.

**Where to sue:** Precinct where any defendant resides, transaction or injury occurred, or obligation was to be performed. Corporation, wherever it does business.

**Service of process:** Authorized officer or process server approved by court, or registered or certified mail with return receipt requested.

**Defendant's response:** Defendant must answer in writing within 20 days to avoid default.

**Transfer:** To justice court, if defendant in small claims division counterclaims over \$2,500 or objects at least 10 days before hearing (for right of appeal and jury). For counterclaims over \$5,000, transfer is allowed to superior court.

**Attorneys:** Allowed only if both parties agree in writing.

**Appeals:** Not allowed.

**Evictions:** No.

**Jury trials:** Not allowed.

**Notes:** Justice Courts, similar to small claims court but with more procedures, have a limit of \$10,000. Rules can be found at Ariz. Rev. Stat. Ann. §§ 22-201 to 22-284.

## Arkansas

**Court:** Small Claims Division (district court).

**Statutes:** Ark. Const. amend. 80, § 7.

**Court rules:** Arkansas District Court Rule 10; Administrative Order 18.

**Court information:** [http://courts.state.ar.us/pdf/small\\_claims\\_info.pdf](http://courts.state.ar.us/pdf/small_claims_info.pdf) or <http://courts.arkansas.gov/districtcourt/index.cfm>

**Dollar limit:** \$5,000.

**Where to sue:** County where any defendant resides, transaction or injury occurred, or obligation was to be performed. Corporation, wherever it does business.

**Service of process:** Certified mail sent by the court, unless plaintiff requests otherwise.

**Defendant's response:** Defendant must file written answer within 20 days of service if in state, within 30 days if out of state.

**Transfer:** If defendant counterclaims for more than \$5,000 or judge learns that any party is represented by attorney, case will be transferred to regular district court.

**Attorneys:** Not allowed.

**Appeals:** Allowed by either party within 30 days. Heard in circuit court as new trial.

**Evictions:** No.

**Jury trials:** Not allowed.

## California

**Court:** Small Claims Division (superior court).

**Statutes:** Cal. Civ. Proc. Code §§ 116.110 to 116.950.

**Court information:** [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims) or [www.dca.ca.gov/publications/small\\_claims/index.shtml](http://www.dca.ca.gov/publications/small_claims/index.shtml)

**Dollar limit:** \$7,500, except that a plaintiff may not file a claim over \$2,500 more than twice a year and plaintiff must be an individual (limit for local public entity or for businesses is \$5,000). \$4,000 is the limit for suits involving a surety company or a licensed contractor.

**Where to sue:** Judicial district where any defendant resides (or resided when promise or obligation was made), transaction or injury occurred, or obligation was to be performed. Corporation, wherever it does business.

**Service of process:** Certified or registered mail, return receipt requested, sent by court clerk; sheriff or disinterested adult.

**Defendant's response:** No written answer required.

**Transfer:** If defendant counterclaims over \$5,000, case will be heard in higher court if the small claims court agrees to the transfer.

**Attorneys:** Not allowed.

**Appeals:** Allowed by defendant (or plaintiff who lost on a counterclaim) within 30 days. Heard in superior court as a new trial. Plaintiff may not appeal on a judgment but may make a motion to correct a clerical error or a decision that is based on a legal mistake.

**Evictions:** No.

**Jury trials:** Not allowed.

**Note:** Transfer provision will likely change so that counterclaims over \$7,500 will be heard in higher court.

## Colorado

**Court:** County court (Small Claims Division).

**Statutes:** Colo. Rev. Stat. §§ 13-6-401 to 13-6-417.

**Court rules:** Colorado Rules of County Court Civil Procedure, Rule 411; Colorado Rules of Civil Procedure for Small Claims Courts, Rules 501 to 521.

**Court information:** [www.courts.state.co.us/userfiles/File/Media/Brochures/smallclaimswb.pdf](http://www.courts.state.co.us/userfiles/File/Media/Brochures/smallclaimswb.pdf)

**Dollar limit:** \$7,500.

**Where to sue:** County in which any defendant resides, is regularly employed, is a student at an institution of higher education, or has business office.

**Service of process:** Sheriff or disinterested adult; or certified mail sent by court clerk.

**Defendant's response:** Defendant must file written and signed response on or before trial date.

**Transfer:** Allowed by defendant who has a counterclaim over \$7,500.

**Attorneys:** Allowed only if attorney is full-time employee or general partner (partnership), officer (corporation), or active member or full-time employee (association). If attorney does appear as permitted above, other party may have attorney also.

**Appeals:** Allowed by either party within 15 days.

**Evictions:** No.

**Jury trials:** Not allowed.

## Connecticut

**Court:** Small Claims Division (superior court).

**Statutes:** Conn. Gen. Stat. Ann. §§ 47a-34 to 47a-42; 51-15; 51-345; 52-259

**Court rules:** Connecticut Superior Court Procedure in Civil Matters, Rules 24-1 to 24-33.

**Court information:** [www.jud.state.ct.us/faq/smallclaims.html](http://www.jud.state.ct.us/faq/smallclaims.html)

**Dollar limit:** \$5,000 (except in landlord-tenant security deposit claims).

**Where to sue:** If plaintiff is corporation or company, county or geographical area where defendant resides or does business or where transaction or injury took place. If plaintiff is individual, where plaintiff resides, where defendant resides, or where transaction or injury took place.

**Service of process:** Proper officer or disinterested adult, registered mail, or regular first-class mail.

**Defendant's response:** Must file answer on or before "Answer Date" that appears on "Notice of Suit."

**Transfer:** Allowed by either party to regular superior court upon counterclaim over \$5,000, or upon defendant's request for jury trial.

**Attorneys:** Allowed; required for corporations.

**Appeals:** Not allowed.

**Evictions:** No.

**Jury trials:** Not allowed; case will be transferred to regular superior court.

## Delaware

**Court:** Justice of the Peace Court (no small claims system).

**Statutes:** Del. Code Ann. tit. 10, §§ 9301 to 9640.

**Court rules:** Justice of the Peace Courts, Rules 1 to 72.1.

**Court information:** [http://courts.delaware.gov/Courts/Justice of the Peace Court](http://courts.delaware.gov/Courts/Justice%20of%20the%20Peace%20Court)

**Dollar limit:** \$15,000.

**Where to sue:** County where defendant resides; in eviction cases, county where property is located.

**Service of process:** Court serves by certified mail return receipt requested; or first class mail with certificate of mailing; sheriff, constable, or by special process server.

**Defendant's response:** In all debt or trespass claims, defendant must file written answer within 15 days after service is made to avoid default. If defendant files counterclaim above \$15,000, can still pursue the counterclaim in Justice of the Peace Court. (There is no provision for transfer to higher court.) If defendant wins counterclaim, there are two options: (1) the court will note the outcome on the record and defendant may take the case to a higher court, or (2) defendant may waive the excess over \$15,000 and accept \$15,000 as the judgment.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 15 days. Heard in superior court as new trial.

**Evictions:** Yes.

**Jury trials:** Generally not allowed. Permitted in eviction cases; defendant must make request within 10 days of being served.

## District of Columbia

**Court:** Small Claims and Conciliation Branch (superior court).

**Statutes:** D.C. Code Ann. §§ 11-1301 to 11-1323; 16-3901 to 16-3910; 17-301 to 17-307.

**Court rules:** District of Columbia Superior Court Rules of Procedure for Small Claims and Conciliation Branch, Rules 1 to 19.

**Court information:** [www.dccourts.gov/dccourt/superior/civil/small\\_claims.jsp](http://www.dccourts.gov/dccourt/superior/civil/small_claims.jsp)

**Dollar limit:** \$5,000.

**Where to sue:** District of Columbia Superior Court.

**Service of process:** U.S. Marshal or adult approved by court; or by registered or certified mail, return receipt requested, sent by court clerk. Certified or registered mail is binding on defendant who refuses to accept letter.

**Defendant's response:** No written response required.

**Transfer:** Transferable to regular superior court if justice requires, if defendant's counterclaim affects interest in real property (land or housing), or if either party demands jury trial.

**Attorneys:** Allowed; required for corporations. (Certified law students may also appear.)

**Appeals:** To court of appeals by either party within 3 days; reviewed on law, not facts.

**Evictions:** No.

**Jury trials:** Either party may demand one, but then case will transfer to regular branch of superior court.

## Florida

**Court:** Small Claims Procedure or Summary Procedure (county court).

**Court rules:** Florida Small Claims Rules, Rules 7.010 to 7.350; Florida Rules of Appellate Procedure, Rules 7.070, 9.110.

**Court information:** <http://orangeclerk.onetgov.net> (click "Civil," then "Small Claims Court")

**Dollar limit:** \$5,000.

**Where to sue:** County where a defendant resides, transaction or injury occurred or property is located, or contract was entered into.

**Service of process:** Peace officer or adult approved by court; or (for Florida residents only) certified mail, return receipt requested, sent by court clerk or attorney of record.

**Defendant's response:** Must appear personally or by counsel at pretrial conference. No answer required, but must file any counterclaim in writing at least 5 days before pretrial conference.

**Transfer:** Allowed to regular county court if defendant counterclaims over \$5,000.

**Attorneys:** Allowed; if attorneys are involved, parties are subject to discovery.

**Appeals:** Appeals may be filed by either party within 30 days. Heard in circuit court on law, not facts.

**Evictions:** Yes.

**Jury trials:** Either party may demand jury trial; plaintiff must make demand when filing suit; defendant must make demand within 5 days after service or notice of suit or at mediation/pretrial conference.

## Georgia

**Court:** Magistrate court.

**Statutes:** Ga. Code Ann. §§ 15-10-1; 15-10-2; 15-10-40 to 15-10-53; 15-10-80; 15-10-87.

**Court information:** [www.georgiacourts.org/councils/magistrate/index.html](http://www.georgiacourts.org/councils/magistrate/index.html)

**Dollar limit:** \$15,000 (no limit in eviction cases).

**Where to sue:** County where defendant resides.

**Service of process:** Constable or person authorized by judge. Personal service only.

**Defendant's response:** Defendant must answer within 30 days (either in writing or in person) to avoid default.

**Transfer:** To appropriate court if defendant's counterclaim is over \$15,000; or defendant submits a written request for a jury trial.

**Attorneys:** Allowed.

**Appeals:** To county superior court for new trial; no appeal if party fails to appear in magistrate court.

**Evictions:** Yes.

**Jury trials:** Not allowed.

## Hawaii

**Court:** Small Claims Division (district court).

**Statutes:** Haw. Rev. Stat. §§ 604-5; 633-27 to 633-36.

**Court rules:** Hawaii District Court Rules, Small Claims Division, Rules 1 to 13.

**Court information:** [www.courts.state.hi.us](http://www.courts.state.hi.us). Under “Self-Help,” click “Small Claims.”

**Dollar limit:** \$3,500; no limit in landlord-tenant residential security deposit cases. For return of leased or rented personal property, the property must not be worth more than \$3,500.

**Where to sue:** Judicial district in which defendant resides, where transaction or injury occurred or, in security deposit cases, where rental property is located.

**Service of process:** Certified or registered mail, restricted delivery, return receipt requested; sheriff, disinterested adult, or by either party personally.

**Defendant's response:** No formal written answer required. Counterclaims up to \$20,000 are allowed.

**Transfer:** If either party demands jury trial or if a counterclaim is filed for more than \$5,000. Otherwise, only if plaintiff agrees.

**Attorneys:** Allowed (except in landlord-tenant security deposit cases).

**Appeals:** Not allowed. Losing party may not appeal on a judgment but may seek to correct a mistake made in computing amount of judgment or present new evidence discovered after time of trial.

**Evictions:** No.

**Jury trials:** Not allowed. Cases that involve a counterclaim for more than \$5,000 upon timely request and presiding judge's approval may be transferred for jury trial to circuit court.

## Idaho

**Court:** Small Claims Department of the Magistrate Division.

**Statutes:** Idaho Code §§ 1-2301 to 1-2315.

**Court information:** [www.courtsselfhelp.idaho.gov/smallclaimss.asp](http://www.courtsselfhelp.idaho.gov/smallclaimss.asp)

**Dollar limit:** \$5,000.

**Where to sue:** County where the defendant resides or where claim arose. Corporation, wherever it does business.

**Service of process:** Personal service; or certified or registered mail, return receipt requested, sent by court clerk.

**Defendant's response:** Must file written answer within 20 days and sign, complete, and file it with the court clerk to avoid default.

**Transfer:** No provision.

**Attorneys:** Not allowed.

**Appeals:** Allowed by either party within 30 days.

**Evictions:** No.

**Jury trials:** Not allowed.

## Illinois

**Court:** Small claims court.

**Statutes:** 735 Ill. Comp. Stat. §§ 5/2-101 to 5/2-208; 705 Ill. Comp. Stat. § 205/11.

**Court rules:** Illinois Supreme Court Rules, Rules 281 to 289.

**Court information:** [www.ag.state.il.us/consumers/smlclaims.html](http://www.ag.state.il.us/consumers/smlclaims.html)

**Dollar limit:** \$10,000.

**Where to sue:** County in which any defendant resides, or transaction or injury occurred. Private corporation, where it does business; public corporation, where its principal office is located.

**Service of process:** Sheriff, other law enforcement officer, licensed detective, or court-approved adult; or certified or registered mail, restricted delivery, return receipt requested, by court clerk.

**Defendant's response:** No formal written answer required. Must appear by date on court summons.

**Transfer:** No provision.

**Attorneys:** Allowed; required for corporations.

**Appeals:** Allowed by either party within 30 days. Heard in appellate court on law, not facts.

**Evictions:** Yes.

**Jury trials:** Either party may demand jury trial.

**Notes:** An alternative procedure exists for claims of \$1,500 or less in Cook County only. Called the Pro Se Court, it forbids attorneys. See [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

## Indiana

**Court:** Small Claims Docket (circuit court, superior court, and county court); Marion County Small Claims Court.

**Statutes:** Ind. Code Ann. §§ 33-28-3-2 to 33-28-3-10 (circuit court); 33-29-2-1 to 33-9-2-10 (superior court); 33-30-5-1 to 33-30-5-10 (county court); 33-34-3-1 to 33-34-3-15 (Marion County Small Claims Court).

**Court information:** [www.in.gov](http://www.in.gov), or for Marian county [www.small-claims-court.com/infomenu.html](http://www.small-claims-court.com/infomenu.html)

**Dollar limit:** \$6,000.

**Where to sue:** County in which any defendant resides or is employed, where transaction or occurrence took place, or where obligation arose or was to be performed by defendant. For landlord-tenant disputes, in county or town where property is located.

**Service of process:** Sheriff; or registered or certified mail, sent by court clerk. Marion County: Personal service or registered or certified mail.

**Defendant's response:** No formal written answer required.

**Transfer:** No.

**Attorneys:** Allowed.

**Appeals:** Within 30 days. Marion County: All appeals taken to superior court of the county and tried as a new trial.

**Evictions:** Yes, if total rent due does not exceed \$6,000.

**Jury trials:** Defendant may request jury trial within ten days following service of complaint upon submitting an affidavit stating questions of fact that require a jury trial. Once requested, transferred from small claims to formal court. Marion County: Defendant must file a jury duty request at least three calendar days before the trial date that appears on the complaint. Once filed, transferred from small claims to superior court.

## Iowa

**Court:** Small Claims Docket (district court).

**Statutes:** Iowa Code §§ 631.1 to 631.17.

**Court information:** [www.iowacourts.gov/Representing\\_Yourself/Civil\\_Law/Small\\_Claims](http://www.iowacourts.gov/Representing_Yourself/Civil_Law/Small_Claims)

**Dollar limit:** \$5,000.

**Where to sue:** County in which any defendant resides or, if resident is out of state, where resident can be found; where transaction or injury occurred, or obligation was to be performed.

**Service of process:** Peace officer or disinterested adult; or certified mail, restricted delivery, return receipt requested, sent by court clerk. For eviction cases, must be served personally.

**Defendant's response:** The defendant must appear within 20 days after service is made to avoid default.

**Transfer:** At judge's discretion if defendant counterclaims over the dollar limit.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party upon oral notice at end of hearing or by written notice within 20 days of judgment. Heard in district court; no new evidence on appeal.

**Evictions:** Yes.

**Jury Trials:** Not allowed.

## Kansas

**Court:** Small Claims Division (district court).

**Statutes:** Kan. Stat. Ann. §§ 61-2701 to 61-2714.

**Court information:** [www.kscourts.org/dstcts/4claims.htm](http://www.kscourts.org/dstcts/4claims.htm) or [www.ksag.org/files/shared/Small.Claims.Brochure.pdf](http://www.ksag.org/files/shared/Small.Claims.Brochure.pdf)

**Dollar limit:** \$4,000.

**Where to sue:** County in which defendant lives, or county where plaintiff resides if defendant is served there, or defendant's place of business or employment, or county where the cause of action arose only if defendant was a resident of that county at the time the cause of action arose.

**Service of process:** Sheriff or adult approved by court; or certified mail.

**Defendant's response:** No formal written answer required.

**Transfer:** If the defendant counterclaims over \$4,000 but still within dollar limit of the regular district court, judge may either decide claim or allow defendant to bring claim in court of competent jurisdiction. The court is allowed to hear it or not; court has to allow defendant to file in the proper court or have court hear case up to small claims limit and sue in proper court for remaining amount.

**Attorneys:** Generally not allowed, but if one party has attorney, all other parties are entitled to attorney.

**Appeals:** Allowed by either party within 10 days. Heard in district court as new trial.

**Evictions:** No.

**Jury trials:** Not allowed.

## Kentucky

**Court:** Small Claims Division (district court).

**Statutes:** Ky. Rev. Stat. Ann. §§ 24A.200 to 24A.360.

**Court information:** <http://courts.ky.gov> (search "small\_claims2.pdf")

**Dollar limit:** \$1,500.

**Where to sue:** Judicial district in which defendant resides or does business, or if corporation, county of corporate headquarters.

**Service of process:** Certified or registered mail by court clerk first; if that fails, then by sheriff or constable.

**Defendant's response:** Must appear for hearing (20 to 40 days from service of process). Must file counterclaim within five days of hearing.

**Transfer:** Allowed to regular district court or circuit court if defendant's counterclaim is over \$1,500, if defendant demands jury trial, or if judge decides the case is too complex for small claims division.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within ten days. Heard in circuit court.

**Evictions:** Yes.

**Jury trials:** Only if defendant makes a written request at least seven days before hearing date. Case is then transferred to regular district court.

**Notes:** Professional moneylenders and collection agents cannot sue in small claims court.

## Louisiana

**Court:** Rural: Justice of the Peace Court ; Urban: Small Claims Division (city court).

**Statutes:** La. Rev. Stat. Ann. §§ 13:5200 to 13:5211 (city court); La. Code Civ. Proc. Art. 4831, 4832, 4845, 4901 to 4925, and Art. 42 (Justice of the Peace Court).

**Court information:** <http://brgov.com> (click "Departments") or [www.la-law.org](http://www.la-law.org) (click "Resources")

**Dollar limit:** \$3,000 (city court); \$5,000 (Justice of the Peace Court, but no limit in eviction cases).

**Where to sue:** Parish in which defendant resides. Corporation or partnership, in parish or district in which business office located.

**Service of process:** Certified mail with return receipt requested; or sheriff, marshal, or constable, if certified mail is unclaimed or refused.

**Defendant's response:** Must file written answer within ten days of service (15 days if served by secretary of state) to avoid default.

**Transfer:** Small claims may be transferred to regular city court if defendant files written request within ten days of service of process, or if counterclaim ("reconventional

demand”) is over dollar limit. In Justice of the Peace Court, if demand in amended or supplemental pleading (“incidental demand”) exceeds jurisdictional amount, case will be transferred to court of appropriate jurisdiction.

**Attorneys:** Allowed.

**Appeals:** In Justice of the Peace Court, allowed by either party within 15 days; heard in parish court, or if there is no parish court, district court, as new trial. No appeal from small claims division of city court.

**Evictions:** No.

**Jury trials:** Not allowed.

## Maine

**Court:** Small Claims Proceeding (district court).

**Statutes:** Me. Rev. Stat. Ann. tit. 14, §§ 7481 to 7487.

**Court rules:** Maine Rules of Small Claims Procedure, Rule 1 to 18.

**Court information:** [www.courts.state.me.us/maine\\_courts/specialized/small\\_claims/index.shtml](http://www.courts.state.me.us/maine_courts/specialized/small_claims/index.shtml)

**Dollar limit:** \$6,000.

**Where to sue:** District court division in which defendant resides or has place of business, where the transaction occurred, or where registered agent resides (if corporation).

**Service of process:** By first-class mail with two acknowledgment forms and prepaid envelope for the defendant; if acknowledgment not returned within 20 days, by registered or certified mail or personal service. Can arrange for court clerk to serve.

**Defendant's response:** No formal written answer required.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 30 days. Heard in superior court. Plaintiff's appeal on questions of law only; defendant may request a new trial.

**Evictions:** Yes.

**Jury trials:** No provision.

## Maryland

**Court:** Small Claims Court (district court).

**Statutes:** Md. Code Ann. [Cts. & Jud. Proc.] §§ 4-405; 6-403.

**Court rules:** Maryland Court Rules, Rules 3-701, 7-104, 7-112.

**Court information:** [www.courts.state.md.us/district/forms/civil/dccv001br.html](http://www.courts.state.md.us/district/forms/civil/dccv001br.html)

**Dollar limit:** \$5,000.

**Where to sue:** County in which any defendant resides, is employed, or does business; if multiple defendants from different counties, where injury to person or property occurred. Corporation may also be sued where it maintains principal office.

**Service of process:** Sheriff, constable, or disinterested adult, personally or by certified mail.

**Defendant's response:** Defendant has 15 days from receipt of summons to file Notice of Intention to Defend in order to avoid default (out-of-state defendant has 60 days).

**Transfer:** To regular civil docket if counterclaim exceeds \$5,000 or if defendant demands jury trial.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 30 days. Heard in circuit court as a new trial.

**Evictions:** Yes, as long as the rent claimed does not exceed \$5,000.

**Jury trials:** Allowed if demand is filed; transferred to regular civil docket.

## Massachusetts

**Court:** Small Claims Division, Boston Municipal Court; elsewhere, Small Claims Section (district court).

**Statutes:** Mass. Gen. Laws ch. 218, §§ 21 to 25; ch. 223, § 6; ch. 93A, § 9 (consumer complaints).

**Court rules:** Massachusetts Rules of Court, Uniform Small Claims Rules, Rules 1 to 10; Small Claims Standards, 1:00 to 9:05.

**Court information:** [www.mass.gov/courts/courtsandjudges/courts/districtcourt/smallclaims.html](http://www.mass.gov/courts/courtsandjudges/courts/districtcourt/smallclaims.html)

**Dollar limit:** \$2,000; no limit for property damage caused by motor vehicle.

**Where to sue:** Judicial district in which plaintiff or defendant resides, is employed, or does business. Actions against landlords can also be brought in district in which property is located.

**Service of process:** First-class mail sent by court clerk for in-state defendants. For out-of-state defendants, sheriff or registered or certified mail.

**Defendant's response:** Written answer is optional, not required.

**Transfer:** Allowed to regular civil docket only at court's discretion.

**Attorneys:** Allowed.

**Appeals:** Allowed by defendant within ten days. Heard in superior court as new trial.

**Evictions:** No.

**Jury trials:** Allowed on appeal only.

**Notes:** Consumer complaint small claims: (1) plaintiff must make written demand for relief at least 30 days before filing suit; (2) attorneys' fees available; (3) triple damages available.

## Michigan

**Court:** Small Claims Division (district court).

**Statutes:** Mich. Comp. Laws §§ 600.8401 to 600.8427.

**Court information:** <http://courts.michigan.gov/scao/selfhelp/intro/civil/small.htm>

**Dollar limit:** \$3,000.

**Where to sue:** County where defendant resides or is employed, or where transaction or injury occurred.

**Service of process:** Court clerk shall serve defendant; otherwise, by certified mail, return receipt requested, or personal service.

**Defendant's response:** No formal written answer required.

**Transfer:** Either party may transfer to regular district court. If defendant's counterclaim is over \$3,000 or if defendant wants attorney, case will be transferred.

**Attorneys:** Not allowed.

**Appeals:** Not allowed. Exception: If action is heard by district court magistrate, parties can appeal to small claims division for new trial within seven days.

**Evictions:** No.

**Jury trials:** Not allowed.

## Minnesota

**Court:** Conciliation Court (district court).

**Statutes:** Minn. Stat. Ann. §§ 491A.01 to 491A.03.

**Court rules:** Minnesota General Practice Rules, Rules 501 to 525.

**Court information:** [www.mncourts.gov/selfhelp/?page=313](http://www.mncourts.gov/selfhelp/?page=313)

**Dollar limit:** \$7,500 (\$4,000 for claims based on a personal or household consumer credit transaction).

**Where to sue:** County in which any defendant resides. Corporation, any county in which it has resident agent, place of business, or office. Landlord-tenant disputes (other than evictions), county where rental property is located.

**Service of process:** Court clerk shall arrange service by first-class mail; or, if claim is over \$2,500, certified mail or personal service. If defendant is out-of-state, plaintiff must arrange service.

**Defendant's response:** No formal written answer required. Must file counterclaim within five days of the trial date. If defendant counterclaims over jurisdictional limit and files in another court, clerk will strike small claims case from calendar; plaintiff who is not served with counterclaim may reinstate small claims action after 30 days.

**Transfer:** To county court on demand for a jury trial or defendant's counterclaim above jurisdictional limit.

**Attorneys:** Allowed.

**Appeals:** Filed within 20 days. Heard in district court as new trial; jury trial permitted upon appeal.

**Evictions:** No.

**Jury trials:** Not allowed except on appeal to district court.

**Notes:** Educational institutions may bring actions to recover student loans, if loans were originally awarded in the county in which it has administrative offices, even though the defendant is not county resident.

## Mississippi

**Court:** Justice Court.

**Statutes:** Miss. Code Ann. §§ 9-11-9 to 9-11-33; 11-9-101 to 11-9-147; 11-25-1; 11-51-85.

**Court information:** [www.mssc.state.ms.us/trialcourts/justicecourt/justicecourt.html](http://www.mssc.state.ms.us/trialcourts/justicecourt/justicecourt.html)

**Dollar limit:** \$3,500.

**Where to sue:** County in which any defendant resides or where transaction or injury occurred; if nonresident, where transaction or injury occurred. Corporation, where registered office is located.

**Service of process:** Sheriff or constable; disinterested adult (only in emergency with court's permission).

**Defendant's response:** No formal written answer required.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within ten days.

**Evictions:** Yes.

**Jury trials:** Either party may demand jury trial.

## Missouri

**Court:** Small Claims Division (circuit court).

**Statutes:** Mo. Rev. Stat. §§ 482.300 to 482.365.

**Court rules:** Missouri Supreme Court Rules of the Small Claims Division of Circuit Court, Rule 140.01 to 152.

**Court information:** [www.courts.mo.gov](http://www.courts.mo.gov) (type "small claims" in the search box)

**Dollar limit:** \$3,000.

**Where to sue:** County in which at least one defendant resides, or in which one plaintiff resides and at least one defendant may be found, or where transaction or injury occurred.

**Service of process:** Certified mail, return receipt requested. May be served personally by court if plaintiff requests.

**Defendant's response:** No formal written answer required. Must file counterclaim in person within ten days after service of process and any time before hearing.

**Transfer:** Allowed to regular circuit court if defendant counterclaims over \$3,000, unless all parties agree to stay in small claims court. (Parties must be informed of right to consult attorney before giving consent.)

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within ten days, for new trial in circuit court.

**Evictions:** No.

**Jury trials:** Not allowed.

## Montana

**Court:** Small Claims Court (district court); Small Claims Division (justice court).

**Statutes:** Mont. Code Ann. §§ 25-2-118; 3-12-101 to 3-12-107 (district court); 25-33-101 to 25-33-306 (appeals); 25-35-501 to 25-35-807; 3-10-1001 to 3-10-1004 (justice court).

**Court information:** <http://doj.mt.gov/consumer/consumer/smallclaimscourt.asp>

**Dollar limit:** \$3,000.

**Where to sue:** County or judicial district in which any defendant resides; if defendant does not live in state, where transaction or injury occurred.

**Service of process:** Sheriff or constable; other process server (justice court only).

**Defendant's response:** No formal written answer required. Defendant must serve counterclaim on plaintiff at least 72 hours before hearing. Counterclaims can't exceed \$2,500 or if more than limit and court finds against plaintiff, defendant can pursue excess in justice court.

**Transfer:** Allowed by defendant to regular justice court if request filed within ten days of receipt of complaint.

**Attorneys:** Not allowed, unless all parties have attorneys.

**Appeals:** Allowed by either party within ten days. Heard in district court on law, not facts.

**Evictions:** No.

**Jury trials:** Not allowed. Defendant may request transfer to regular justice court for jury trial.

## Nebraska

**Court:** Small Claims Court (county court).

**Statutes:** Neb. Rev. Stat. §§ 25-505.1; 25-2801 to 25-2807; 25-2734 (appeals).

**Court information:** [www.supremecourt.ne.gov/self-help/small-claims/resources-index.shtml](http://www.supremecourt.ne.gov/self-help/small-claims/resources-index.shtml)

**Dollar limit:** \$2,700.

**Where to sue:** County in which any defendant resides or works, or where injury or property damage occurred. Corporation, wherever it regularly conducts business.

**Service of process:** Personal service by disinterested adult; or certified mail, return receipt requested.

**Defendant's response:** Written answer not required. Defendant must file and deliver any counterclaim to plaintiff at least two days prior to trial.

**Transfer:** Transferable to regular civil court on defendant's request or counterclaim over \$2,700.

**Attorneys:** Not allowed.

**Appeals:** Allowed by either party within 30 days. Heard in district court as new trial; jury trial not permitted.

**Evictions:** No.

**Jury trials:** Not allowed in small claims court. Defendant may request transfer to regular docket of county court and demand jury trial by giving notice at least two days before hearing.

## Nevada

**Court:** Small Claims Action (justice court).

**Statutes:** Nev. Rev. Stat. Ann. §§ 73.010 to 73.060.

**Court rules:** Nevada Justice Court Rules of Civil Procedure, Rules 88 to 100.

**Court information:** [www.clarkcountycourts.us/lvjc/small-claims.html](http://www.clarkcountycourts.us/lvjc/small-claims.html) (Las Vegas); [www.co.washoe.nv.us/rjc/smallclaims.htm](http://www.co.washoe.nv.us/rjc/smallclaims.htm) (Reno)

**Dollar limit:** \$5,000.

**Where to sue:** Township in which defendant resides, does business, or is employed.

**Service of process:** Court determines method. Either registered or certified mail, return receipt requested, or personal service by sheriff, constable, disinterested adult, or other person approved by court.

**Defendant's response:** No formal written answer required.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within five days.

**Evictions:** No.

**Jury trials:** No provision.

## New Hampshire

**Court:** Small Claims Actions (district or municipal court).

**Statutes:** N.H. Rev. Stat. Ann. §§ 503:1 to 503:11.

**Court rules:** New Hampshire District Court Rules, Rules 4.1 to 4.28.

**Court information:** [www.courts.state.nh.us/district/claims.htm](http://www.courts.state.nh.us/district/claims.htm)

**Dollar limit:** \$5,000.

**Where to sue:** Municipal court of town in which defendant or plaintiff resides; if no municipal court, in the district court in district in which either party resides. If defendant is not a state resident, where defendant does business or owns property, or transaction or injury occurred.

**Service of process:** Certified mail sent by court, return receipt requested; if not delivered or defendant does not respond, plaintiff must serve personally according to court clerk's instructions.

**Defendant's response:** Must respond to claim in writing within 30 days of return date given on summons to avoid default.

**Transfer:** To superior court if defendant requests a jury trial (claim must be more than \$1,500).

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 30 days.

**Evictions:** No.

**Jury trials:** Not allowed, must transfer to superior court. Defendant must file request for jury trial within five days of plaintiff's claim; only permitted for claims over \$1,500.

## New Jersey

**Court:** Small Claims Section (superior court, special civil part).

**Court rules:** New Jersey Rules of Court, Rules 6:1 to 6:12-2; Rule 2:4-1.

**Court information:** [www.judiciary.state.nj.us/civil/civ-02.htm](http://www.judiciary.state.nj.us/civil/civ-02.htm)

**Dollar limit:** \$3,000 (\$5,000 for claims relating to security deposits); certain landlord-tenant suits cannot be brought.

**Where to sue:** County in which any defendant resides or, if defendants do not reside in New Jersey, county where transaction or injury occurred. For security deposit claims, county where property is located. Corporation, wherever it does business.

**Service of process:** Certified and regular mail by the court; if service not made, court officer or other adult approved by the court.

**Defendant's response:** No written answer required. Defendant must file counterclaim within 35 days of service of the complaint.

**Transfer:** Allowed to special civil part if defendant's counterclaim is more than \$3,000 or if defendant demands jury trial.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 45 days. Heard in appellate division of superior court.

**Evictions:** No.

**Jury trials:** Defendant must submit demand at least five days before return of summons (case is then transferred to special civil part).

**Notes:** The special civil part, like the small claims court but with more procedures, has a limit of \$15,000. See [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us).

## New Mexico

**Court:** Metropolitan court (Bernalillo County); magistrate court.

**Statutes:** N.M. Stat. Ann. §§ 34-8A-1 to 34-8A-10 (metropolitan court); 35-3-3, 35-3-5, 35-8-1, and 35-8-2 (magistrate court); 35-11-2, 35-13-1 to 35-13-3 (appeals).

**Court rules:** New Mexico Rules of Civil Procedure for the Magistrate Courts, Rules 2-101 to 2-804; New Mexico Rules of Civil Procedure for the Metropolitan Court, Rules 3-101 to 3-804.

**Court information:** [www.metrocourt.state.nm.us/pdfs/beginlawsuit.pdf](http://www.metrocourt.state.nm.us/pdfs/beginlawsuit.pdf) or [www.nmcourts.com/othercourts/nmmagistratecourts.html](http://www.nmcourts.com/othercourts/nmmagistratecourts.html)

**Dollar limit:** \$10,000.

**Where to sue:** County in which defendant resides or may be found, or where transaction or injury occurred.

**Service of process:** Personal service or service by mail to defendant's attorney or if unrepresented, to defendant.

**Defendant's response:** Must file answer on or before appearance date in summons.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 15 days; heard in district court as new trial.

**Evictions:** Yes.

**Jury trials:** Allowed at either party's request. Plaintiff must make jury trial request in the complaint, and defendant must make request in the answer.

## New York

**Court:** Small Claims Part (civil court, cities—including New York City; district court, Nassau and Suffolk counties; justice court, rural areas). Commercial Small Claims (city courts and district courts).

**Statutes:** N.Y. Uniform Cty. Ct. Act §§ 1801 to 1815, 1801-A to 1814-A (commercial claims); N.Y. Uniform Dist. Ct. Act §§ 1801 to 1815, 1801-A to 1814-A (commercial claims); N.Y. Uniform Just. Ct. Act §§ 1801 to 1815; N.Y. City Civ. Ct. Act §§ 1801 to 1815; 1801-A to 1814-A (commercial claims).

**Court rules:** N.Y. Uniform Trial Court Rules, Rules 208.41, 208.41-A, 210.41, 210.41-A, 212.41, 212.41-A, 214.10.

**Court information:** [www.nycourts.gov/courts/nyc/smallclaims/index.shtml](http://www.nycourts.gov/courts/nyc/smallclaims/index.shtml)

**Dollar limit:** \$5,000 (town and village justice courts, \$3,000).

**Where to sue:** Political subdivision in which defendant resides, is employed, or has business office.

**Service of process:** Certified mail, return receipt requested, or ordinary first-class mail by court clerk. If after 21 days not returned as undeliverable, then notice is presumed.

**Defendant's response:** No written answer required. Defendant to file counterclaim within five days of receiving plaintiff's claim. If counterclaim in excess of \$5,000, cannot be brought in small claims court.

**Transfer:** Allowed by court's discretion.

**Attorneys:** Allowed.

**Appeals:** Allowed only on the ground that "substantial justice" was not done. Must file appeal within 30 days. Heard in county court or appellate division of supreme court (for New York City) on law, not facts. There is no appeal from arbitrator's decision.

**Evictions:** No.

**Jury trials:** Defendant may request jury trial at least one day prior to hearing. Must file affidavit stating issues that require jury trial.

**Notes:** Corporations and partnerships cannot sue in small claims court, but may appear as defendants. (Does not apply to municipal and public benefit corporations and school districts.) Instead, they can bring commercial claims, which have similar rules to small claims courts but are subject to these additional restrictions: (1) Same limits and procedures as regular small claims except claim is brought by corporation, partnership, or association. (2) Business must have principal office in New York state. (3) Defendant must reside, be employed, or have a business office in the county where suit is brought.

## North Carolina

**Court:** Small Claims Court (district court).

**Statutes:** N.C. Gen. Stat. §§ 7A-210 to 7A-232; 42-29.

**Court information:** [www.nccourts.org/Courts/Trial/SClaims](http://www.nccourts.org/Courts/Trial/SClaims) or [www.aoc.state.nc.us/www/public/html/cvmforms.html](http://www.aoc.state.nc.us/www/public/html/cvmforms.html)

**Dollar limit:** \$5,000.

**Where to sue:** County in which defendant resides. Corporation, where it maintains place of business.

**Service of process:** Personal service or registered or certified mail. (Alternate method is permitted in eviction cases; see N.C. Gen. Stat. § 42-29.)

**Defendant's response:** Defendant has option to file written answer any time before trial; no particular form required. If answer is not filed, general denial of all claims is assumed. Counterclaims over \$5,000 not allowed.

**Transfer:** No provision; but defendant can bring separate action in proper court.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within ten days. Heard in district court as new trial; jury trial allowed if request made within ten days of appeal notice.

**Evictions:** Yes.

**Jury trials:** Not allowed in small claims court. If case is not assigned to a magistrate, it is treated as a regular civil case. Plaintiff may request jury trial within five days of receiving notice of nonassignment, and defendant may make request either before or at the same time as filing an answer.

## North Dakota

**Court:** Small Claims Court (district court).

**Statutes:** N.D. Cent. Code §§ 27-08.1-01 to 27-08.1-08.

**Court information:** [www.ndcourts.com/court/forms/Small/forms.htm](http://www.ndcourts.com/court/forms/Small/forms.htm) or [www.ndcourts.com/\\_court/forms/small/form7a.pdf](http://www.ndcourts.com/_court/forms/small/form7a.pdf)

**Dollar limit:** \$10,000.

**Where to sue:** County where defendant resides. For bad checks or less than \$1,000 owed on credit: county where defendant resides, has place of business, or where act or transaction occurred. For claims related to defendant's lease of property, where defendant resides or property is located. Corporations, LLCs, or partnerships, where place of business is located or where the subject of the claim arose.

**Service of process:** Disinterested adult; certified mail.

**Defendant's response:** Defendant must return form requesting hearing within 20 days of service. Defendant must file and serve counterclaim at least 48 hours before hearing.

**Transfer:** Defendant may transfer case to regular civil court procedure if request is made within 20 days of service.

**Attorneys:** Allowed.

**Appeals:** Not allowed.

**Evictions:** No.

**Jury trials:** Not allowed.

**Notes:** Plaintiff may not discontinue once small claims process is begun; if plaintiff seeks to discontinue, claim will be dismissed with prejudice (plaintiff cannot refile claim).

## Ohio

**Court:** Small Claims Division (municipal and county courts).

**Statutes:** Ohio Rev. Code Ann. §§ 1925.01 to 1925.18.

**Court rules:** Ohio Rules of Civil Procedures, Rule 3 and 4.1; Ohio Rules of Appellate Procedure, Rule 4.

**Court information:** [www.ohiojudges.com](http://www.ohiojudges.com). (Under Resources, click "Citizens' Guide," then choose "Small Claims Court Guide.")

**Dollar limit:** \$3,000.

**Where to sue:** County in which defendant resides or has place of business, or where obligation arose.

**Service of process:** Sheriff; or certified mail by clerk, return receipt requested.

**Defendant's response:** No written answer required. Must file and serve counterclaim at least seven days before trial date.

**Transfer:** To regular civil court upon defendant's counterclaim over \$3,000 or court's motion. Defendant (or plaintiff if counterclaim is made) may request transfer, but must file affidavit stating grounds of defense.

**Attorneys:** Allowed.

**Appeals:** Must be filed within 30 days. Heard in court of appeals.

**Evictions:** No.

**Jury trials:** Not allowed.

## Oklahoma

**Court:** Small Claims Procedure (district court).

**Statutes:** Okla. Stat. Ann. tit. 12, §§ 131 to 141; 1751 to 1773.

**Court information:** [www.oklahomacounty.org/courtclerk/SmallClaims.htm](http://www.oklahomacounty.org/courtclerk/SmallClaims.htm)

**Dollar limit:** \$6,000.

**Where to sue:** County in which defendant resides, or if defendant is nonresident, where defendant can be found. In automobile or boat accident cases, where one or more party resides or where accident occurred. For open account or collection on a note cases, can also sue where contract was entered into. Corporations, in a county in which it has principal office or place of business or where transaction or injury occurred.

**Service of process:** Certified mail by clerk, return receipt requested. Plaintiff may request personal service by sheriff or other disinterested adult.

**Defendant's response:** No formal written answer required. Defendant must file counterclaim at least 72 hours before appearance date.

**Transfer:** Allowed to regular district court on a defendant's request or counterclaim over \$6,000, unless both parties agree in writing to stay in small claims court. Defendant must make transfer request at least 48 hours before time ordered for appearance and answer.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 30 days. Heard by Oklahoma Supreme Court on law only, not facts.

**Evictions:** No.

**Jury trials:** Not allowed unless claim or counterclaim is more than \$1,500. Then either party may demand jury trial at least two working days before time set for defendant's appearance.

**Notes:** Collection agencies may not sue in small claims court.

## Oregon

**Court:** Small Claims Department (circuit or justice court).

**Statutes:** Or. Rev. Stat. Ann. §§ 46.405 to 46.570; 55.011 to 55.140.

**Court information:** [www.osbar.org/public/pamphlets/smallclaims.html](http://www.osbar.org/public/pamphlets/smallclaims.html)

**Dollar limit:** \$7,500.

**Where to sue:** County where defendant resides or can be found, where injury or damage occurred, or where contract or obligation was to be performed.

**Service of process:** Certified mail, or sheriff or court-approved adult. (In justice court, if claim is over \$50, must use personal service.)

**Defendant's response:** Defendant must answer within 14 days of service to avoid default, and must request hearing. If counterclaim is over \$7,500, defendant must file motion to transfer to regular circuit court or counterclaim will be ignored. Plaintiff must reply to defendant's counterclaim within 20 days of service.

**Transfer:** To regular docket or other appropriate court if counterclaim is more than \$7,500 and defendant requests transfer; or if defendant demands jury trial and counterclaim is for more than \$750.

**Attorneys:** Not allowed without judge's consent.

**Appeals:** From circuit court, no appeal. From justice court, allowed by defendant (or plaintiff, on counterclaim) within ten days. Heard in circuit court.

**Evictions:** No.

**Jury trials:** If claim is over \$750, defendant may request jury trial. Request must be made at same time as answer, within 14 days of service. Case is then transferred to appropriate court.

## Pennsylvania

**Court:** District justice court; Philadelphia Municipal Court.

**Statutes:** 42 Pa. Cons. Stat. Ann. §§ 1123, 1515.

**Court rules:** Pennsylvania Rules of Civil Procedure, Rules 400 to 405, 1002, 1006, 2179; Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, Rules 201 to 324; Philadelphia Municipal Court Rules of Civil Practice, Rules 101 to 144.

**Court information:** <http://fd.phila.gov/municipal/civil> (Philadelphia)

**Dollar limit:** \$8,000. \$10,000 in Philadelphia Municipal Court.

**Where to sue:** Individual, wherever defendant can be served or where act or transaction occurred. Corporation or partnership, where it regularly conducts business or has principal place of business or where act or transaction occurred.

**Service of process:** Sheriff, or first-class mail, with returned acknowledgment from defendant.

**Defendant's response:** Defendant must file counterclaim at least five days before hearing (district justice court); at least 10 days before trial (Philadelphia Municipal Court), but defendant's counterclaim can't exceed court's dollar limit.

**Transfer:** If defendant's counterclaim is over \$10,000, defendant must bring suit in court of common pleas within 30 days or anything over \$10,000 is considered waived and case will proceed as small claim (Philadelphia Municipal Court). There is no provision for transfer from district justice court.

**Attorneys:** Allowed. Defendant corporations, required if claim is above \$2,500 (Philadelphia Municipal Court).

**Appeals:** Allowed by either party within 30 days (ten days in eviction cases). Heard in court of common pleas as a new trial.

**Evictions:** Yes.

**Jury trials:** Either party can request jury trial and case will be transferred (district justice court). Not allowed except on appeal (Philadelphia Municipal Court).

**Notes:** If claiming more than \$2,000 personal injury or property damage, must submit statement of claim signed under oath (Philadelphia Municipal Court).

## Rhode Island

**Court:** Small Claims Court (district court).

**Statutes:** R.I. Gen. Laws §§ 10-16-1 to 10-16-16; 9-4-3; 9-4-4; 9-12-10 (appeals).

**Court rules:** Rhode Island District Court Rules of Small Claims Procedure, Rules 1.00 to 7.01; Rhode Island District Court Rules of Civil Procedure, Rule 73.

**Court information:** [www.courts.state.ri.us/district/smallclaims.htm](http://www.courts.state.ri.us/district/smallclaims.htm)

**Dollar limit:** \$2,500.

**Where to sue:** District where either party resides or where defendant can be found; if plaintiff is corporation, where defendant resides or can be found.

**Service of process:** If plaintiff is represented by an attorney, attorney shall serve by registered or certified mail. Otherwise, court clerk shall serve by mail. If defendant does not claim notice, plaintiff must serve with process server. Defendant's refusal of certified mail is considered valid service.

**Defendant's response:** Defendant must file written answer, defense, or counterclaim either before or on date set for answering.

**Transfer:** If defendant's counterclaim is for over \$1,500 and judge finds for defendant, defendant can still file claim in district court. Alternatively, judge can allow both claims to be refiled in district court.

**Attorneys:** Allowed; required for public corporations and private corporations with assets of \$1 million or more.

**Appeals:** Defendant has right to appeal on plaintiff's claim (plaintiff has right to appeal on defendant's counterclaim). Must file within two days. Heard in superior court as new trial. Exception: In consumer plaintiff claim, if manufacturer or seller defendant loses by default, no appeal is allowed.

**Evictions:** No.

**Jury trials:** No provision.

**Note:** Transfer provision will likely change so that counterclaims over \$2,500 will be heard in higher court.

## South Carolina

**Court:** Magistrates court.

**Statutes:** S.C. Code Ann. §§ 22-3-10 to 22-3-320; 15-7-30; 18-7-10 to 18-7-30.

**Court rules:** South Carolina Administrative and Procedural Rules for Magistrates Court, Rules 1 to 19.

**Court information:** [www.sctbar.org/public\\_services/lawline/magistrates\\_small\\_claims\\_court](http://www.sctbar.org/public_services/lawline/magistrates_small_claims_court)

**Dollar limit:** \$7,500.

**Where to sue:** County where defendant resides. Corporation or insurance company, county where it has business office.

**Service of process:** Sheriff or disinterested adult; certified or registered mail with acknowledgement of receipt.

**Defendant's response:** May answer in writing or orally any time within 30 days after service (five days for claims of \$25 or less). Must file counterclaim within 30 days (five days for claim of \$25 or less).

**Transfer:** Counterclaims over \$7,500 will be dismissed; defendant can refile in court of common pleas.

**Attorneys:** Allowed.

**Appeals:** Must be filed within 30 days. Heard in county or circuit court on law, not facts.

**Evictions:** Yes.

**Jury trials:** Either party may request jury trial in writing at least five days before trial date.

## South Dakota

**Court:** Small Claims Procedure (circuit or magistrates court).

**Statutes:** S.D. Codified Laws §§ 15-39-45 to 15-39-78; 16-12B-6; 16-12B-12; 16-12B-16; 16-12C-8; 16-12C-13 to 16-12C-15.

**Court information:** [www.sdjudicial.com/downloads/small\\_claims\\_brochure.pdf](http://www.sdjudicial.com/downloads/small_claims_brochure.pdf)

**Dollar limit:** \$12,000.

**Where to sue:** County in which any defendant resides or where transaction or injury occurred. Corporation, partnership, or LLC, any county where defendant has place of business.

**Service of process:** Certified or registered mail first, return receipt requested (service is binding on defendant who refuses to accept and sign for the letter). If undeliverable, then service must be made by another method, determined by court.

**Defendant's response:** No formal written answer required.

**Transfer:** Allowed at judge's discretion on defendant's petition for regular civil or jury trial. (Plaintiff may request transfer in response to counterclaim.) Must make petition at least five days before appearance date and provide affidavit giving reasons that justify transfer. Appeals are allowed by both plaintiff and defendant if case transferred.

**Attorneys:** Allowed.

**Appeals:** Not allowed.

**Evictions:** No.

**Jury trials:** Not allowed. Defendant must apply for transfer to circuit court five days before trial date.

## Tennessee

**Court:** Court of General Sessions.

**Statutes:** Tenn. Code Ann. §§ 16-15-501 to 16-15-505; 16-15-710 to 16-15-735; 16-15-901 to 16-15-905; 20-4-101; 20-4-103.

**Court rules:** Tennessee Rules of Civil Procedure, Rule 38.03.

**Court information:** [www.shelbybtvolunteers.com/court\\_clerks/gen\\_sessions\\_court](http://www.shelbybtvolunteers.com/court_clerks/gen_sessions_court) (Shelby)

**Dollar limit:** \$25,000. No limit in eviction suits or suits to recover personal property.

**Where to sue:** District where defendant resides or can be found or where transaction or injury occurred. If both parties reside in the same county, county of residence. Evictions: Where property is located.

**Service of process:** Disinterested adult, plaintiff's attorney, or certified mail, with return receipt.

**Defendant's response:** No formal written answer required.

**Transfer:** Defendant may request transfer to circuit court at least three days before hearing (must provide affidavit that defense is either substantial, complex, or expensive enough to require transfer).

**Attorneys:** Allowed.

**Appeals:** Allowed by either party. Heard in circuit court as new trial. May demand jury trial within ten days after appeal filed.

**Evictions:** Yes.

**Jury trials:** Not allowed except on appeal or transfer.

**Notes:** Tennessee has no actual small claims system, but trials in general sessions court are normally conducted with informal rules.

## Texas

**Court:** Small Claims Court (justice court).

**Statutes:** Tex. Gov't. Code Ann. §§ 28.001 to 28.055.

**Court rules:** Texas Rules of Civil Procedure, Rule 523 to 574b.

**Court information:** [www.courts.state.tx.us/courts/jp.asp](http://www.courts.state.tx.us/courts/jp.asp)

**Dollar limit:** \$10,000.

**Where to sue:** Precinct in which defendant resides or county where obligation was to be performed.

**Service of process:** Sheriff, constable, process server, or (with court approval) disinterested adult. Certified mail by court clerk, upon request by plaintiff.

**Defendant's response:** Defendant must file a written answer on or before 10:00 a.m. on the next Monday within ten days from service of process.

**Transfer:** Transfer allowed to another precinct in same county upon written motion of defendant, by either party with affidavits of two county residents that the party can't get a fair and impartial trial, or by consent of both parties.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within ten days (amount in dispute must exceed \$250). Heard in county court as new trial.

**Evictions:** No.

**Jury trials:** Either party may demand jury trial by filing request at least one day before hearing.

**Notes:** No professional money lenders or collection agents may sue in small claims court.

## Utah

**Court:** Small Claims Department (district court).

**Statutes:** Utah Code Ann. §§ 78A-8-101 to 78A-8-109.

**Court rules:** Utah Rules of Small Claims Procedure, Rules 1 to 12, A to K.

**Court information:** [www.utcourts.gov/howto/smclaims](http://www.utcourts.gov/howto/smclaims)

**Dollar limit:** \$10,000.

**Where to sue:** County in which defendant resides or debt was incurred.

**Service of process:** Sheriff, constable, or certified mail or courier service, return receipt requested.

**Defendant's response:** No answer required. Must file counterclaim at least 15 days before trial; counterclaim cannot exceed \$7,500.

**Transfer:** No provision.

**Attorneys:** Allowed.

**Appeals:** Either party may appeal within 30 business days of entry of judgment. Heard in district court as new trial.

**Evictions:** No.

**Jury trials:** No provision.

## Vermont

**Court:** Small Claims Procedure (superior court).

**Statutes:** Vt. Stat. Ann. tit. 12, §§ 5531 to 5541; 402.

**Court rules:** Vermont Rules of Small Claims Procedure, Rules 1 to 14.

**Court information:** [www.vermontjudiciary.org/GTC/Superior/smallclaims.aspx](http://www.vermontjudiciary.org/GTC/Superior/smallclaims.aspx)

**Dollar limit:** \$5,000.

**Where to sue:** County in which either party resides.

**Service of process:** Court will serve by first-class mail; if defendant does not return form acknowledging receipt, plaintiff must arrange service by sheriff or, if out of state, someone authorized in that state.

**Defendant's response:** Defendant must give written or oral answer within 20 days of service to avoid default.

**Transfer:** A claim or counterclaim cannot be transferred.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 30 days. Heard in superior court on law, not facts.

**Evictions:** No.

**Jury trials:** Defendant may request jury trial at least one day prior to appearance.

## Virginia

**Court:** Small Claims Division (district court)

**Statutes:** Va. Code Ann. §§ 8.01-262; 16.1-76; 16.1-77; 16.1-106; 16.1-113; 16.1-122.1 to 16.1-122.7.

**Court information:** [www.courts.state.va.us/courts/gd/home.html](http://www.courts.state.va.us/courts/gd/home.html)

**Dollar limit:** \$5,000.

**Where to sue:** District in which defendant resides, is employed, or regularly conducts business; where transaction or injury occurred; or where property is located. Corporations, where any chief officer resides or defendant has registered office or agent for service.

**Service of process:** Court shall serve defendant.

**Defendant's response:** No formal written answer required. May file counterclaim any time before trial, counterclaim cannot exceed \$5,000.

**Transfer:** To circuit court if defendant wants attorney representation.

**Attorneys:** Not allowed in small claims division; if defendant wants attorney representation, can request transfer.

**Appeals:** Allowed by either party within ten days (on cases over \$50). Heard in circuit court as new trial; on appeal either party may request jury trial.

**Evictions:** No.

**Jury trials:** Not allowed (except on appeal, if requested).

**Notes:** General district courts, similar to small claims court but with more procedures, can hear claims up to \$15,000. See Va. Code Ann. §§ 16.1-77 to 16.1-80.

## Washington

**Court:** Small Claims Department (district court).

**Statutes:** Wash. Rev. Code Ann. §§ 12.36.010 to 12.40.120; 3.66.040.

**Court information:** [www.courts.wa.gov](http://www.courts.wa.gov). Choose “Resources, Publications, and Reports,” then, under Informational Brochures, click “Small Claims Court.”

**Dollar limit:** \$5,000.

**Where to sue:** County where any defendant resides or, if residence cannot be determined by reasonable efforts, place of employment. Corporation, where it transacts business or has office.

**Service of process:** Sheriff, deputy, constable, or disinterested adult; or certified or registered mail, return receipt requested.

**Defendant's response:** No formal written answer required. Defendant with counterclaim over \$4,000 may file separate suit in superior court while plaintiff's case proceeds in small claims court.

**Transfer:** Allowed only upon judge's decision, following a hearing.

**Attorneys:** Not allowed without judge's consent, unless case transferred from regular civil court.

**Appeals:** Within 30 days. The party who files a claim or counterclaim can't appeal unless the amount exceeds \$1,000; no party can appeal unless amount claimed is \$250 or more. Heard in superior court as new trial.

**Evictions:** No.

**Jury trials:** No provision.

## West Virginia

**Court:** Magistrate court.

**Statutes:** W.Va. Code §§ 50-2-1 to 50-6-3; 56-1-1.

**Court rules:** Rules of Civil Procedure for Magistrate Courts, Rule 1 to 21.

**Court information:** [www.state.wv.us/wvsca/magistrate.htm](http://www.state.wv.us/wvsca/magistrate.htm)

**Dollar limit:** \$5,000.

**Where to sue:** County in which any defendant resides or can be served, or where transaction or injury occurred. West Virginia corporations, where principal office is located; other corporations, where they do business. For eviction suits, county where property is located.

**Service of process:** Sheriff or disinterested adult; certified or registered mail by court at plaintiff's request, return receipt requested.

**Defendant's response:** Defendant must appear or file written answer within 20 days of service to avoid default (30 days if service is made on defendant's attorney or agent). Defendant can also file a counterclaim for \$5,000 or less.

**Transfer:** Allowed if all parties agree to transfer case to circuit court, or by request of any party for claims over \$300. Also allowed at magistrate's discretion if defendant requests transfer to another venue in the answer or within reasonable time.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 20 days. Heard in circuit court. If original trial was by jury, appeal is on law only, not facts; if original trial was without a jury, appeal is new trial (also without a jury).

**Evictions:** Yes.

**Jury trials:** Either party may demand jury trial if claim is over \$20 or involves possession of real estate. Must be made in writing within 20 days of service of defendant's answer, or in eviction cases, five days after service of complaint.

## Wisconsin

**Court:** Small Claims Action (circuit court).

**Statutes:** Wis. Stat. §§ 799.01 to 799.445; 421.401; 801.50; 808.03.

**Court information:** [www.wicourts.gov/about/pubs/circuit/smallclaimsguide.htm](http://www.wicourts.gov/about/pubs/circuit/smallclaimsguide.htm)

**Dollar limit:** \$5,000. No limit in eviction suits.

**Where to sue:** County in which any defendant resides or does substantial business, where transaction or injury occurred, or where property is located. County where contract claim arose or, if claim arose from consumer transaction, county where contract was signed or where purchase or loan took place. For landlord-tenant claims, county where property is located.

**Service of process:** Sheriff, process server, or disinterested adult; or by certified mail by court clerk, return receipt requested.

**Defendant's response:** No formal written answer required.

**Transfer:** Upon defendant's counterclaim over \$5,000, case will be tried according to regular circuit court civil procedure.

**Attorneys:** Allowed.

**Appeals:** Allowed by either party within 15 days. No appeal from default judgment.

**Evictions:** Yes.

**Jury trials:** Either party may request a jury trial.

## Wyoming

**Court:** Small Claims Case (circuit court).

**Statutes:** Wyo. Stat. Ann. §§ 1-21-201 to 1-21-205; 5-9-128; 5-9-136.

**Court rules:** Wyoming Rules and Forms Governing Small Claims Cases, Rules 1 to 7, Forms 1 and 2.

**Court information:** [www.courts.state.wy.us](http://www.courts.state.wy.us). Choose the “Law Library,” and under the Wyoming tab, “Court Rules.” Under Procedure and Cases, choose “Rules and Forms Governing Small Claims Cases.”

**Dollar limit:** \$5,000.

**Where to sue:** County in which defendant has an address.

**Service of process:** Sheriff, deputy, or disinterested adult; or by certified mail, return receipt requested (by court clerk if defendant lives in the same county as court).

**Defendant's response:** No formal written answer required.

**Transfer:** No provision.

**Attorneys:** Allowed. If one party appears with an attorney, the other party is entitled to a continuance to obtain one.

**Appeals:** Allowed by either party. Heard in district court on law only, not facts.

**Evictions:** No.

**Jury trials:** Either party may request a jury trial.