

## DEFENDANT'S ANSWER INSTRUCTIONS

The following is some information regarding the Defendant's Answer and Proof of Payments forms that you have received.

1. Attorneys are not allowed in small claims court without permission granted by the judge.
2. One of the four selections on the Answer form must be chosen. If you do not select one of the four, default judgment may be requested by the plaintiff. There are no other options.
3. Your Answer **MUST** be received and filed with the court before 5:00 pm on the 14<sup>th</sup> day following service. This does not mean that you can wait until the 14<sup>th</sup> day to mail your Answer. When counting, include weekends and holidays. **IT IS NOT 14 WORKING DAYS.** The appropriate fee must be enclosed with your Answer. **IF THERE IS MORE THAN ONE DEFENDANT, EACH DEFENDANT MUST SIGN THE ANSWER FORM,** or file separate Answers. Small Claims filing fees for the Answer are: Small Claims under \$1,500.00, the Answer fee is \$44.50; if the Small Claims are over \$1,500.00, the Answer fee is \$82.50.
4. If you are paying the Claim, it **MUST BE SENT TO THE PLAINTIFF.** The court does **NOT** accept payments on claims. If your decision is to pay the Claim and you have sent your check, money order, etc. to the plaintiff, you need to file the "Proof of Payment" form with the court.
5. You will be notified by mail as to the hearing date. Your first hearing is a mediation hearing. You will meet with a mediator to see if you can settle the case without going to trial. If you need to have a date re-set, you **MUST NOTIFY THE COURT IN WRITING AT LEAST SEVEN (7) DAYS PRIOR TO THE HEARING.**
6. If you choose to file a counterclaim, it also must be filed within 14 days. A counterclaim basically means "I don't owe them, they owe me". The counterclaim will be heard at the same hearing.
7. If you elect #4 (Demand a Jury Trial) on the Answer form, you will be responsible for the appearance fee, jury fee and the arbitrator fee. You may wish to contact an attorney before making this election. The filing fee is **\$127.00**. The arbitration fee is \$250 for both the plaintiff and the defendant. If the case is settled in arbitration, you can request in writing within 14 days, to have the \$100 trial fee refunded to you.
8. Complete entirely the information regarding the hearing. Most hearings take 15 to 20 minutes.
9. Small claims judgments are not appealable.

**IMPORTANT: COURT CLERKS ARE NOT ATTORNEYS AND CANNOT GIVE YOU LEGAL ADVICE. THE COURT PROVIDES SOME FORMS IN SMALL CLAIMS, BUT CANNOT HELP YOU AS HOW TO FILL THEM OUT. IF YOU HAVE QUESTIONS, CONTACT AN ATTORNEY. THEY CAN ADVISE YOU EVEN IF THEY CANNOT APPEAR FOR YOU IN COURT.**