

READ THE FOLLOWING CAREFULLY

Unless you check one of the alternatives listed in the Notice of Defendant's Election and file it with the clerk within 14 days after service of the notice of claim upon you, plaintiff may request a default judgment against you for the amount claimed plus filing fees, service expenses and a prevailing party fee. Plaintiff may then request that any property owned by you which is subject to be levied upon be taken to satisfy this judgment.

PAYMENT OF CLAIM:

If you admit owing the claim, make payment in full to the plaintiff and mail proof of payment to the court. Your payment must include filing fees and service expenses.

DENY CLAIM AND DEMAND A HEARING:

Small Claim cases are first set for a Mediation Hearing. If your case is not settled in mediation then a trial will be scheduled. Small Claim hearings are informal. Both plaintiff and defendant may offer testimony, bring witnesses, and offer other evidence pertinent to the controversy at the time of trial.

No attorney at law or person other than you, the plaintiff, and witnesses may participate in the hearing/trial without the consent of the Circuit Court judge.

There is no appeal from a decision in the Small Claims Department. A judgment in the Small Claims Department is conclusive upon the parties.

FILING A COUNTERCLAIM:

You may file a counterclaim against the plaintiff if you believe he owes you money or holds specific personal property of yours as a part of this same controversy. If your counterclaim is for \$10,000 or less, the claim and the counterclaim will be heard and decided at the same hearing, in the Small Claims Department.

If your Counterclaim is over \$10,000, the case will be transferred to Circuit Court. There is a Motion/Order to Transfer form that you will need to complete and submit with your Counterclaim. Please call the clerk for the required filing fees and transfer fees.

If your Counterclaim requires a transfer of the case to Circuit Court, the plaintiff will no longer be limited to the original amount of his claim.

DEMAND FOR JURY TRIAL:

If you choose to demand a jury trial the plaintiff will be given notice to file a formal complaint in the Circuit Court in order to proceed. If they do not do this within 20 days, the Small Claim case will be dismissed.

IF YOU HAVE ANY QUESTIONS ABOUT PROCEDURES, YOU SHOULD CONTACT THE CLERK OF THE COURT IMMEDIATELY: HOWEVER, THE CLERK CANNOT GIVE LEGAL ADVICE.