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How to register a small claims court application

Home Getting justice in the EU If you cannot resolve your conflict with the seller and our mediation did not lead to the desired result, you can present the conflict to a judge. Before, you had to go through the standard, time-consuming and complicated legal procedure. These days, however, you can start a simplified small-claims procedure. This procedure can only be used for international disputes, e.g. a conflict with a foreign entrepreneur. Need help or personal advice? Ask our legal experts for advice on your situation. Or call in our help if you encounter an international problem with an EU seller. Ask a question Start mediation On this page Last checked: 17/07/2023 You can use the European Small Claims Procedure to make a claim against: another business an organisation a customer The procedure covers claims up to EUR 5 000 (excluding expenses) in any EU country except for Denmark. The European Small Claims Procedure is an alternative to national procedures. A judgment for this procedure is recognised and enforceable in another EU country and cannot be opposed (unless there are inconsistencies with an existing judgment in the other EU country between the same parties). Advantages: you don't need to hire a lawyer to start a Small Claims Procedure the claim should be solved more quickly the procedure is simpler, especially for cross-border claims How much does it cost? You will usually have to pay a court fee which will be reimbursed if your case is successful. In cross-border cases, you may also have to pay for forms to be translated. This cost will be reimbursed if your case is successful. How does the claim procedure work? You can make a claim using the small claims forms. Fill out Form A and send it to the court that has the jurisdiction over the claim. This could be in the country where your business is established or in the other EU country concerned. Once the court receives the application form it must fill in its part of the answer form. The court may ask you to fill in form B if they think you need to add more information. Within 14 days after receiving the application form, the court must serve a copy of it — along with the answer form — to the defendant. The defendant has to fill out their part of the answer form within 30 days. The court must send you a copy of any reply within 14 days. The court has 30 days after receiving the defendant's answer (if any) to: give a judgment on the small claim request further details in writing from either party (you or the defendant) summon the parties to an oral hearing (for oral hearings no lawyer has to be present) Outcome of the claim and enforcement The enforcement authorities will enact the decision following national rules. A court can only refuse to enforce the judgement if it's incompatible with a previous judgement between your company and the defendant on the same issue. The judgment will be valid for all EU countries, except Denmark. Learn more about the European Small Claims Procedure You can read more about how to make a claim in the comprehensive user guide. EU legislation EU Regulation establishing a European Small Claims Procedure Share this page: Facebook Twitter LinkedIn e-mail Last Reviewed: July, 2023 Reviewed by: JES Contributors LIVEMon - Fri 11 AM - 2 PM Want to be a lawyer without going to law school? Get a little practice with small claims court.I have been a credit manager in the construction industry for over 16 years, and I would love to file claims. Give me a balance too small to file a lien or foreclose on, a bad check, or a prompt payment or trust fund claim, and I would jump all over it.I always got to say "I get to be like an attorney without ever having to go to law school." Typically, states do not allow attorneys in small claims, so the only person there to defend your claim would be your customer and/or an agent for their company. It is such an amazing learning experience that I have always recommended to my peers and teams to try, just once, and then they'd be hooked.Before making a decision to file a claim in small claims court, you need to make sure that you can prove your case and "win." The person who wins doesn't necessarily have all their documents in a row; you need to present your case as if you are trying to make friends with the judge. The judge typically awards the victory to the person they believe, appreciate, and yes, "like."In order to file the claim, you have to know who is responsible for the balance. If it is a person, you need to know — where they are located so to serve papers on them. The more difficult suits are the ones where there could be multiple defendants. If it is a company, you have to determine what entity it is. Once you determine their entity, you are able to find out whom you need to service. Be sure to check your state's requirements, as you want to be sure to file suit against everyone responsible, in one claim.First, research the Statute of Limitations in the state where you will be filing the suit. Many states have different requirements, and you want to be sure you follow the correct state. Then, the top thing you should look at when reviewing if your case is worth filing is where the venue is. Typically your contract and/or application will specify a venue beneficial to your company. However, if you don't have one, then you need to file where the defendant is located or where material was delivered (if this is in regards to construction). In filing the suit, some defendants will go to mediation or try to settle the case. This can be preferable to avoid additional costs, but would ultimately be your decision. You will need to ensure you meet the statutes on how much time has passed since the balance became due and how much you are allowed to bring to court. The maximum claim in most states varies from \$5,000 – \$10,000. Information to support your claim is of the utmost priority! Be sure to get everything in writing, including a copy of the initial contract and/or credit application, and anything else that shows the debt is valid. Additionally, if you can find a witness to support your claim, be sure to bring them on the date of court.You will want to review your specific statute of limitations again for your state, but typically, the cost for filing a claim in small claims can save you a lot of money because you don't have to pay an attorney. Typically there are minimal costs:Fees to file your case (filing fee typically around \$75-\$100)Fees to process service on your defendant (typically around \$50 per defendant)Further reading: File a Lien or Go to Small Claims Court?Once you file the claim, you then have to wait typically 30-45 days (depending on the state) for the defendant to be served. Then, the defendant has two options once served: either ignore the claim with no response, or file a response/defense. Having a defendant ignore the claim and not file a response is how I've won probably 80% of suits filed. This is an awesome situation. When a no-response happens, all you have to do is contact the court and ask to schedule a hearing to secure a default judgment.If the defendant does file an answer, you can respond to their answer, or call the county clerk and ask them to schedule a hearing. The court process can be intimidating, but it is very easy to learn. My first case I learned by fire. At that time, there weren't a lot of help or tips out there in the world. I will provide some steps below, however, for your first time, I suggest calling the court and talking to the small claims advisor, or even going to a small claims court session and watching how others do it. As long as you have all your ducks in a row, your day in court will be a breeze. Here are some must-have tips and actions that you need to follow when getting ready to present in court.Create three files in manila folders: One for the plaintiff (originals), one for the defendant (copies) and one for the Judge (copies). Everything should be included in the files: credit application, contract, order, anything in writing or signed for, copy of partial payments, invoice copies and a statement of the account. The more the better to prove your case. Talk to witnesses. These are people that have any knowledge of the situation and/or the balance. Be sure to ask any key witness to write a declaration, or go with you to the hearing.A picture is worth 1,000 words! Collect photos showing key information. Check the defendant's Facebook and LinkedIn — sometimes they post stuff they don't even realize could be helpful to your case.Plan your wardrobe ahead of time. It needs to be business formal and professional; showing respect to the judge is of utmost importance. Be sure to wear closed toed shoes, and make your hygiene is tip-top, making you look put together.Be prepared: Practice what you'll say in court to yourself or to someone else to hear how you present. Anticipate the defendant's response. Practice being respectful: "Your Honor" is how you should always answer and address the judge.Once you are in court, take a seat. The court clerk will call out your name before the judge enters the court, be sure to respond stating you are there. When your case is called, you and your witness go up to the plaintiffs table. Do not sit until the judge says "be seated."As the plaintiff, you will be asked to present your case. Take the file you made for the judge and hand it to the clerk — but do not leave your desk, they will come to you. This will be presented as evidence. Be sure you give your most important points first, when you are asked to speak. Make sure you explain how you got to the balance outstanding.Once you are finished presenting your case, there are a couple things that could happen next.If the defendant didn't show, present your case, and then state that you are asking for a default judgement. If the defendant does show, they will then have their turn to present the case. Stay quiet and do not interrupt. You will give time to respond to what they say, but wait your turn. After both sides have presented their case and evidence has been viewed, the judge will render their decision.If you win your case, you will have to wait at least 30 days before you can enforce your judgment. During this time, the defendant can file an appeal. You then will have to wait for the judge to make a decision on the appeal before you can take any legal action. If you lose, unfortunately you have to accept it and possibly write the outstanding balance to bad debt. Keep in mind that the judge has final say, even if you are 100% owed the money. If the defendant presents a better response, acts more respectful, or the judge just doesn't like you, they can make a decision against you.After the decision, the case isn't over. You still need to collect your money. Keep in mind that these options vary by state, so be sure to check your state's law.Before you can proceed with payment efforts, you will need to get a Writ of Execution from the court. Once you have this document in hand you can then decide what avenue you want to pursue.Different options are:Filing a property lien on any assets and/or real estate the defendant has.

Small Claims Court Case Form

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625. Date of Hearing: _____

626. Court Clerk's Signature: _____

627. Plaintiff's Signature: _____

628. Defendant's Signature: _____

629. Witness's Signature: _____

630. Date of Hearing: _____

631. Court Clerk's Signature: _____

632. Plaintiff's Signature: _____

633. Defendant's Signature: _____

634. Witness's Signature: _____

635. Date of Hearing: _____

636. Court Clerk's Signature: _____

637. Plaintiff's Signature: _____

638. Defendant's Signature: _____

639. Witness's Signature: _____

640. Date of Hearing: _____

641. Court Clerk's Signature: _____

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643. Defendant's Signature: _____

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701. Court Clerk's Signature: _____

702. Plaintiff's Signature: _____

703. Defendant's Signature: _____

704. Witness's Signature: _____

705. Date of Hearing: _____

706. Court

COURT REPORTER COST SCHEDULE	
Defendant's Statement of Costs	
Returnable: County, 14th	
Effective Date: 1-1-2019	
Complaints to Civil Court	
Filing a civil complaint (after service fees)	
Local court	\$ 10.00
Complaint and legal research fee (R.C. 1901.30(A)(1)(B))	\$ 10.00
Special process (R.C. 1901.30(B)(1))	\$ 10.00
Legal aid services and other public defender fees (R.C. 1901.30(C))	\$ 20.00
Total costs for filing a civil complaint (after service fees)	\$ 50.00
Filing a small claims complaint (after service fees)	
Local court	\$ 10.00
Complaint and legal research fee (R.C. 1901.30(A)(1)(B))	\$ 10.00
Special process (R.C. 1901.30(B)(1))	\$ 10.00
Legal aid services and other public defender fees (R.C. 1901.30(C))	\$ 10.00
Total costs for filing a small claims complaint (after service fees)	\$ 40.00
Attorney Fees	
A. If the plaintiff's attorney services are certified under the CTR, the CTR will automatically waive the complaint fee, ordinary cost if the certified suit is dispositive is included. The cost of the ordinary suit process will be added to the court costs in the case.	
B. Any person filing a new (not) counterclaim includes the original complaint for the CTR, as well as two copies for an independent review of the complaint.	
C. Any person filing a new (not) counterclaim must include the original complaint for the CTR, as well as two copies for an independent review of the complaint.	
D. Any person filing a new (not) counterclaim must include the original complaint for the CTR, as well as two copies for an independent review of the complaint.	

If you're only claiming a sum of money, send the original and the copies for the court and the defendants to: County Court Money Claims Centre PO Box 527 Salford M5 0BY. If you filled in a paper form and are claiming money and anything else - like an order that repairs be done - send it to your local county court. Find your local county court. You can pay by postal order or cheque made payable to 'HM Courts and Tribunals Service'. Find out how to send a postal order. Dealing with the defendant's response The court will send a copy of your claim form to the defendant. If you made your claim on a paper form or through MCOL, the defendant must tell you they've received your claim within 14 days either by sending a reply or a form called an 'acknowledgement of service'. If they send you an acknowledgement of service, they have 28 days to send you a reply. The 28 days start from when they receive the details of your claim. If you used Money Claims, the defendant has 19 days from the day the claim is made. If they need longer, they must tell the court. The most they can have is 33 days. The defendant doesn't reply The court can decide you've won because the defendant didn't reply. Ask the court for 'judgment by default'. You can ask for a judgment by default by: requesting a judgment on Money Claim Online if you made your claim online filling in form N225 if you claimed a fixed ('specified') amount filling in form N227 if you claimed an 'unspecified' amount. If you used Money Claims, you can also use it to request a judgment by default if the defendant hasn't replied and the deadline for their reply has passed. The defendant agrees with some or all of your claim The defendant might offer to give you some or all of the money you asked for. The court will let you know about the defendant's offer and explain how to accept it. The defendant disagrees with your claim This is called 'defending the claim'. They must explain why they disagree with your claim in a document called their 'defence'. They must usually send their defence to the court within 14 days of receiving your claim (or 28 days if they sent you an acknowledgement of service). The court will send you a copy. If you used Money Claims, they have 19 days from when you made the claim - or 33 days if the court has given them more time. The court will send you a form to help them decide when the hearing should be. This is called a 'directions questionnaire'. Use it to let them know about dates you're busy, like holidays or hospital appointments. Make sure you send it back on time. You should also say if you want the hearing to be at a specific county court, for example because you or one of your witnesses has a disability. Find your nearest county court. Normally, the hearing will be at the defendant's nearest county court but the judge will consider moving it if there's a good reason to. There might not be a hearing if you and the defendant agree that the court can decide the claim without one. In this case, the judge will make a decision based on your claim and the defendant's defence and neither of you will have to go to court or give further evidence. The court will ask if you want to use its free mediation service to try to resolve your dispute. A person - called a mediator - will try to help you and the defendant reach an agreement. They won't take sides. The mediation might be done by phone. If you want to use this service, say so on the directions questionnaire. It's a good idea to try mediation because it could save you time and money - if you and the defendant can agree, you won't have to go to a hearing or pay the hearing fee. If you can't agree, the court hearing can still go ahead. As a charity, we rely on your support to help millions of people solve their problems each year. Please donate if you can to help us continue our work.