

Small Claims Quick Check List

- Your Small Claim can only be for money up to \$3,000
- Corporations and partnerships cannot use the small claims procedure. You must be a sole proprietor or an individual to bring a suit.
- If younger than 18 your parent or Guardian may file a claim for you.
- You may bring a suit against an individual, corporation, partnership, associations and assignees.
- To file a claim, yourself or someone on your behalf must contact the Small Claims Court in the village, town, or city where the defendant lives, works or has a place of business.
- You must have the defendant's correct address. No P.O. Boxes
- A filing fee of \$10 for claims up to \$1000, and \$15.00 for claims over \$1000.
- Each party involved in the small claim action should receive a copy of A Guide to Small Claims.
- A notice of claim will be sent by the court to the party being sued both certified mail and first class mail.
- The notice of claim is sent no earlier than 22 days from the first appearance date and no later than 45.
- The defendant has the right to file a counterclaim (\$3 fee plus mail cost) up to \$3,000, any time up to the trial date.
- The first hearing date is not a trial. The Judge will ask if the parties can settle the matter. If no settlement can be reached, the matter will be set down for Small Claims trial. *(This may not be the procedure in all courts)*
- The court shall conduct a hearing so as do substantial justice between the two parties and the court will hear all relevant information as it pertains to the claim. A ruling may be issued at the time of the trial or the Judge may reserve decision and issue a ruling in writing at a later time.
- If the defendant fails to appear, a default judgment may be entered only after proof of service has been ascertained by the Judge and at least an hour has passed from the scheduled appearance time.
- A notice of Small Claims Judgment is required to be sent to both judgment creditor and judgment debtor to notify of rights and obligations.
- For more information please refer to "A Guide to Small Claims in the NYS City, Town and Village Courts" on line at www.courts.state.ny.us and click on "publications".

BRIARCLIFF MANOR VILLAGE JUSTICE COURT

1111 Pleasantville Rd, Briarcliff Manor, NY 10510 (914) 944-2788 Fax (914) 944-4007

SMALL CLAIMS FILING

DATE _____

I. PLAINTIFF'S INFORMATION (PERSON BRINGING THE SUIT)

NAME _____

ADDRESS _____

PHONE NUMBER _____

II. DEFENDANT'S INFORMATION (PERSON OR BUSINESS BEING SUED)

(Defendant must reside or have business address in Briarcliff Manor)

NAME _____

ADDRESS _____ (NO P.O. BOXES)

PHONE NUMBER _____
(IF KNOWN)

CLAIM

AMOUNT CLAIMED: \$ _____ (JURISDICTIONAL LIMIT \$3000)

PRIMARY REASON FOR CLAIM (BRIEF STATEMENT)

III. _____

Signature of Plaintiff _____

Instructions:

Enclose money order or certified check for filing fee (Payment can be mailed in)

Claims up to \$1,000--\$10.00

Claims up to \$3,000--\$15.00

PERSONAL CHECKS NOT ACCEPTED