

### 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 to 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](http://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**