

## OVERVIEW OF SMALL CLAIMS PROCESS

### DEMAND FOR PAYMENT

- Plaintiff must send DEMAND LETTER to Defendant

### CASE OPENED

- Plaintiff files SMALL CLAIMS COMPLAINT, pays filing fee.
- Plaintiff files MEMORANDUM OF COSTS

### DEFENDANT SERVED

- Defendant is SERVED at least 10 days before Court date.
- Defendant may file and serve a COUNTERCLAIM for damages he or she believed is owed from the Plaintiff.

### MEDIATION

- If settlement reached, case is CLOSED
- If Defendant does not attend, DEFAULT JUDGMENT for Plaintiff
- If Plaintiff does not attend, case is DISMISSED
- If both sides attend, but no settlement reached, then case set for TRIAL

### TRIAL

- If Defendant does not attend, DEFAULT JUDGMENT for Plaintiff.
- If Plaintiff does not attend, case DISMISSED
- Otherwise, Justice of the Peace hears the case and considers all the evidence and renders JUDGMENT

### JUDGMENT

- If either party disagrees with the judgment, he or she may APPEAL to the District Court within 5 business days, paying filing fees, post appropriate bond, and post full judgment amount.
- If no timely appeal, then prevailing party may proceed to collect on the judgement by filing a WRIT OF EXECUTION or applying for a JUDGMENT DEBTORS EXAM.
- When paid in full, a SATISFACTION OF JUDGMENT must be filed