

SMALL CLAIMS INSTRUCTIONS

It is the litigant's responsibility to file the required forms provided by the court for the action being taken. The forms must be completed correctly for the court to take proper action. All forms are typed or completed in legible handwriting, preferably in blue or black ink.

Neither the clerks nor the judge are permitted to give you legal advice. You should consult with an attorney if you have any questions about your claim. (However, the attorney cannot personally represent you at a court hearing in a small claims case before judgment is obtained.)

To file a Small Claims action, you must complete the following forms that can be found on the web site for the 8th Judicial District by clicking on the "Small Claims Info" link (<https://www.8thjd.com>):

1. Civil Cover Sheet. All information must be completed as best as possible.
2. Petition. If you are filing the Small Claims action, you are the "Plaintiff". The person you are filing the claim against is the "Defendant". Both the Plaintiff's and Defendant's street address and city need to be written in the case caption. The Petition has to be signed before a Notary Public or one of the employees in the Clerk of the District Court Office. **You will need to file the original Petition and provide the Clerk's office with one extra copy for service upon the Defendant.**
3. Summons. Both the Plaintiff's and Defendant's street address and city need to be written in the case caption. **You will need to provide the Clerk's office with two copies of the Summons: one for the Sheriff's Office and one for service upon the Defendant.**
4. Defendant's Claim. You must fill out the Plaintiff's and Defendant's names in the case caption. Nothing else needs to be completed on this form. **You will need to provide the original to the Clerk's office for service upon the Defendant.**

Make any additional copies of these documents for your records. You will also need to bring the originals and two copies of any of your exhibits to the hearing.

The cost to file your Small Claims action is as follows:

\$47.50 – up to and including \$500.00

\$67.50 – from \$500.01 to \$4,000.00

A separate check is required for each petition, if you are filing more than one. Make checks payable to the **Clerk of the District Court**.

The cost for the Sheriff's Office to serve your paperwork to the Defendant is \$15.00. If you have more than one Defendant listed in your Petition, and they live at different addresses, the cost is \$15.00 per Defendant. (If they live at the same address, the fee is only \$15.00.) This is in addition to the cost mentioned above. (The cost to file your Petition and the Sheriff's fee are two separate fees and are **NOT** to be paid with one check or money order.) The Sheriff's fee may be paid by check or money order made payable to the **Sheriff's Office**. In Geary County, the Sheriff's fee must be paid by cashier's check, money order, or cash – no personal checks will be accepted.

You must personally appear on the hearing date indicated on the Summons. If you settle the case before the hearing date, notify the Clerk's office immediately.