

## **CIVIL/SMALL CLAIMS DEFENDANT INFORMATION**

1. When you are sued and served with a citation from the Civil/Small Claims Court, you must file a written answer on or before the first Monday following the tenth day from the date of service. You must answer in writing and advise the Court if you wish to contest the suit and have a trial by either judge or jury or if you wish the plaintiff to recover a consent judgment.
2. If you wish to contest the suit and desire a trial by jury, you must request a trial by jury and pay a five-dollar jury fee (\$5.00). This shall be done not less than one day in advance of the date the case is set for trial.
3. You may represent yourself or hire attorney to represent you.
4. If you do not desire to contest the suit and you agree that the Plaintiff recover the full amount he/she is seeking, you may request in writing for the Court to enter a consent judgment against you.
5. You should prepare a proper defense if you go to trial even though the burden is on the plaintiff to prove his/her allegations against you.
6. You should remember that hearsay evidence may be inadmissible and cannot be used if objected to by the plaintiff. Examples of hearsay evidence might include notarized statements or affidavits, garage estimates, police reports, and oral statements made outside of court.
7. After the plaintiff presents his/her case at the trial as to his/her right to recover, you are then allowed to present your defense as to why he/she should not recover.
8. If witnesses are required, you may subpoena them to Court by asking for the subpoena and paying the required fee with an additional ten-dollar attachment fee (\$10.00). The subpoena would be requested several days prior to the trial.
9. When the plaintiff and you have both rested your case, the Court will enter a judgment and the plaintiff recovers from you all, part or nothing.
10. If a judgment is rendered against you, you may appeal the ruling of this Court to the County Court within ten days from the date of judgment by posting a proper bond.
11. Should the Court rule the plaintiff recover nothing from you, the plaintiff must appeal within ten days or his/her right to recover from you is forever lost.
12. Should the plaintiff recover a judgment from you and you do not appeal it, the plaintiff may take further legal action against you to collect the amount of judgment plus court costs.
13. The plaintiff may ask that a Writ of Execution be issued to the constable or sheriff to collect the judgment from you by levying on certain belonging that you own.
14. The plaintiff may obtain an Abstract of Judgment from the court and file it with the county clerk. This creates a lien against any real property that you may own.
15. The plaintiff may have a garnishment suit filed to garnish money, equipment or assets belonging to you which are being held by a third party.
16. Every notice and pleading, plea (answer), motion or the form of required to be served under Rule 21 other than the citation to be served upon filing of a cause of action may be served by delivering a copy to the party to be served, or the party's duly authorized agent or by courier receipt under delivery or by certified or registered mail to the party's last known address or by fax to the recipient's current fax number, or by such other manner as the Court in its discretion may direct.

If you have any procedural questions pertaining to this citation, please contact the Court. The Court will not answer legal questions. If you have a legal question, contact an attorney. The judge will not discuss the facts of the case with either party prior to the court date.