



SMALL CLAIMS INFORMATION AND INSTRUCTIONS FOR PLAINTIFF

The small claims process is set up to help people recover money. Lawyers are allowed, but not required. Many people represent themselves in small claims court. If you have trouble speaking or understanding English, you should ask the court for assistance as soon as possible.

If you believe that any person or business owes you money, you may sue in small claims for any amount up to \$10,000. If your claim is for a consumer credit transaction or medical debt, the maximum amount you can ask for in a small claims case is \$5,000. See 15 U.S.C. § 1679a and 18 V.S.A. § 9481 for definitions of "consumer credit transaction" and "medical debt."

If your claim is for more than the limit, you may still sue in small claims court, but you then give up any claim for the rest of the money. If you want to sue for more than the limit, you may do so in the Civil Division, where you will probably need a lawyer and where the procedure is more complicated and time consuming.

You should be aware that, though you may receive judgment in your favor, the court cannot guarantee that you receive the money. The defendant may be unable to pay or there may not be a reasonable way to enforce the judgment. Post judgment procedures do exist to assist you in collecting the debt. The Small Claims Cases in Vermont pamphlet can provide additional information on these procedures.

In court, you will be called the "PLAINTIFF" and the person you are suing will be called the "DEFENDANT." You may sue the defendant in either the county where you live or where the defendant lives.

To bring your suit, you must:

- 1) Complete the Complaint form (from <https://www.vermontjudiciary.org> or the clerk's office),
- 2) Send the Complaint and any attachments to the court along with the filing fee.
 - a. Filing Fee:
 - i. Claim is \$1,000 or less - \$65.00
 - ii. Claim is more than \$1,000 - \$90.00
 - b.
 - i. Make check payable to Vermont Superior court
 - ii. If you win your case, this filing fee will be added to your judgment.
- 3) The court will send you a Summons and Complaint. They will have your case number (sometimes called a docket number) on them. When you receive the Summons and Complaint, you must mail them and any attachments, the Small Claims Information and Instructions for Defendant, and a blank Answer form (from <https://www.vermontjudiciary.org> or the clerk's office) to the defendant.
- 4) You must also then mail a Certificate of Service form (from <https://www.vermontjudiciary.org> or the clerk's office) to the court indicating service on the defendant.

You are required to briefly explain your complaint on the Complaint form. You should give enough information for the person you are suing and the judge to know what you are talking about. For example, if you are suing your landlord to return a security deposit, simply state that you rented an apartment from the defendant, paid a security deposit at that time and the defendant has refused to return it to you. To be perfectly clear, include all important dates. Then, fill in the amount owed to you and any interest you are claiming on that amount.

You must do the following:

- Attempt to serve the defendant by mailing by first class mail a copy of the Summons and Complaint and any attachments, the Information and Instructions Sheet for Defendant, and an Answer form to the defendant. The documents must be mailed to the defendant within 7 days of receipt of the Summons and Complaint with docket number from the court. You must also then mail a Certificate of Service to the court.
- If the defendant does not answer within 30 days from the date you mailed the Complaint, in order to pursue your case, you must: have the Summons and Complaint and any attachments, the Information and Instructions for Defendant, and Answer form served by the sheriff or constable.
- To serve by sheriff or constable:
 - There will be a fee for service.
 - Take a copy of the Summons and Complaint and any attachments, the Information and Instructions for Defendant, Answer form, and Return of Service form to the sheriff or constable in the county where defendant lives. You can also call the sheriff or constable to ask about mailing them the papers instead of going to their office.
 - Once the paperwork has been served, the sheriff or constable will provide you a **Return of Service** indicating what documents were served and the amount you were charged for this service.
 - In order to obtain judgment, you must file the Return of Service with the court within 60 days from the day you first mailed the Summons and Complaint.
- If you do not serve the defendant on time and show the court you have done so, your case may be dismissed.

After the defendant has received notice of the Complaint, the defendant has 30 days to answer your Complaint.

If the defendant answers and agrees that they owe the money, the court will issue a judgment order.

If the defendant answers and disputes the claim, the court will set the matter for hearing and mail both parties a Notice of Hearing. **Please Note – the hearing schedule varies from court to court; you may not receive a notice right away.**

If the defendant does not answer within 30 days after being served by a sheriff or constable, in order to pursue your claim, you must do the following within 60 days of the date the Answer was due:

- File with the court a Motion for Default Judgment and Affidavit (from <https://www.vermontjudiciary.org> or the clerk's office).
- Mail a copy of the Motion for Default Judgment and Affidavit to the defendant, and file the applicable Certificate of Service with the court.
- The judge may dismiss your case if this Motion and Affidavit are not filed on time.

A settlement may occur at any time. The defendant may contact you and the two of you may be able to work something out without going to court. If you do settle your case, please notify the court in writing so your case can be closed.

You may bring a lawyer with you or talk with one before the hearing. However, small claims hearings are designed to be as informal as possible so that in most cases, you should be able to handle your own case.

PLEASE REMEMBER TO USE YOUR DOCKET NUMBER WHENEVER YOU CONTACT THE COURT REGARDING YOUR CASE.

IMPORTANT: NOTIFY THE COURT IN WRITING OF ANY CHANGES IN YOUR ADDRESS OR PHONE NUMBER.

