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## Instructions – How to File an Affidavit and Claim in Small Claims Court

These instructions will help you file your Affidavit and Claim in small claims court. You can print the instructions and use them as a checklist.

### Step 1: Prepare your forms and find out how you will file

Use the [Do-It-Yourself Small Claims Suit](https://michiganlegalhelp.org/self-help-tools/money-and-debt/do-it-yourself-small-claims-suit) tool to prepare the forms you need.

Some of the steps later in these instructions may have slightly different information for you depending on how you will file with the court, and so you may want to learn more about the choices in your area.

Each court decides how it will accept documents for filing. Contact your court to find out which methods are available. Depending on your court, you may be able to file by:

* In-person filing
* E-mail
* E-Filing using MiFILE
* Mailing or dropping off documents

You can find contact information for your court on the [Courts & Agencies](https://michiganlegalhelp.org/organizations-courts/courts) page of Michigan Legal Help.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-Filing](https://www.courts.michigan.gov/siteassets/mifile/mifilecourtlist.pdf). To learn more, read [What Is E-Filing?](https://michiganlegalhelp.org/self-help-tools/e-filing/what-e-filing).

### Step 2: Make copies and sign your forms in front of a notary or court clerk

You must sign the Affidavit and Claim form in front of a notary public or a court clerk. The court clerk will verify your signature for free. If you choose to use a notary there may be a fee. You may be able to get your documents notarized at a bank. Some copy and print shops also offer notary services for a fee. Contact the bank or other location to make sure that a notary will be available at the time you plan on going.

You will need to show the clerk or notary photo identification, such as your driver’s license or state identification card, before you sign the Affidavit and Claim.

If you're signing the Affidavit and Claim in front of a court clerk, make four copies before you sign your documents. Make at least one copy of your judgment. Bring all of the copies with you to the court clerk.

If you're signing the Affidavit and Claim in front of a notary, make four copies after you sign your documents.

No matter how you sign, **if you are filing either by e-mail or using MiFILE**, you will not need to make copies for the court. You will only need to make a copy for the other party. If you are not sure yet how you will file, you can make copies and discard them later if you do not need them.

### Step 3: File your forms and pay the filing fee

File your Affidavit and Claim form and the copies with the Court Clerk’s office in the court you selected.

Contact your court to find out which filing methods are available. Depending on your court, you may be able to file electronically. To learn more about filing methods that may be available, read Step 1. If you are e-Filing using MiFILE you will need to know the case-type code. The case-type code for small claims cases is "SC." Look for your court on the chart, and then check to see if "SC" is listed as one of the case types they take for e-Filing.

You must pay the filing fee when you file your Affidavit and Claim. The filing fee is based on how much money you’re asking for. The filing fee is:

* $30 if you’re asking for up to $600
* $50 if you’re asking for $600 up to $1,750
* $70 if you’re asking for more than $1,750

If you use a credit card to pay, you may also be charged a nonrefundable 3% processing fee.

If you can’t afford to pay the filing fee, you can ask the court to waive your fees. The form you can use for this is the [Do-It-Yourself Fee Waiver](https://michiganlegalhelp.org/self-help-tools/going-court/do-it-yourself-fee-waiver) tool. Your case will not start until you pay the filing fee or the fee waiver is approved.

When you file your documents, the court clerk will make arrangements to serve a copy of your Affidavit and Claim on each defendant. You must pay the cost of this service. You must serve the other party by personal service or by certified mail, return receipt requested. The cost of service can be as little as $15.00 for certified mail, or as much as $26.00 plus mileage for personal service.

The clerk will record the filing of your claim, assign a case number to it, and write the name of the judge or magistrate assigned to the case on the forms. The clerk will also complete the notice of hearing, which will state when and where the hearing on your case will be.

If you file in person, give the clerk the original and all the copies. The clerk will give you back what the court doesn’t need after stamping and signing the documents and entering the hearing date.

If you file by mail, you need to contact the court to find out how much it will cost to serve the Affidavit and Claim on the Defendant. Send the clerk:

* all four signed and notarized copies of the Affidavit and Claim,
* payment for the filing fee,
* payment for service, and
* a self-addressed stamped envelope so the clerk can return your copy to you.

If you are filing by e-mail or using MiFILE, contact the court to find out how they would like the documents to be filed, for the payments to be made, and for the notice of hearing to be filled out.

**Please note that completing the documents on Michigan Legal Help or Law Help Interactive does not file anything with the court.**

### Step 4: Prepare for your hearing

Prepare yourself before the day of the hearing. Make a list of what you think the judge or magistrate needs to know.

Gather your evidence. Evidence is what you show a court to prove your case. This might include a sales receipt, guarantee, lease, contract, letter or affidavit from a witness, or accident report. If something is too big to bring with you, you can bring photographs as evidence.

Any witnesses you ask to speak on your behalf may write a letter or sign an affidavit, but it is best if they appear in court as well. If you need someone to testify who is not willing to come to court, you can get an order to appear. You may want to talk to a lawyer about how to do this.

Information about appearing in court is available in the article [What to Expect When You Go to Court](https://michiganlegalhelp.org/self-help-tools/going-court/what-expect-when-you-go-court).

### Step 5: Attend the hearing

Attend the hearing and be prepared to present your case to the judge or magistrate. The hearing will take place at the time and location stated in the notice.

Dress neatly. Arrive 10 or 15 minutes before your hearing is scheduled. It’s important to show up on time. Let the court know you’re there by telling the clerk or officer sitting by the judge’s bench, but do not interrupt the current proceeding.

Be prepared to spend most of the morning or afternoon in court. Bring your witnesses and your evidence with you. Remember to speak clearly, answer any questions the judge or magistrate asks, and don’t interrupt the judge, magistrate, or the other party.

Remember that when people represent themselves in court, they are expected to follow the same rules an attorney does.

When you are called, follow the judge or magistrate’s instructions.

Answer the judge’s or magistrate’s questions clearly and directly. If the judge or magistrate wants to hear from your other witnesses, ask them to tell the court what they know or saw regarding your situation.

If the defendant is in court, he or she will also have a chance to speak. Take notes so you can ask follow-up questions when it’s your turn. Do not interrupt the other party.

### Step 6: Get your order signed by the judge or magistrate

Bring your judgment to the hearing with you. Fill it out so it states what the judge or magistrate ordered in court. Ask the judge or magistrate to sign it then.

In some courts, court personnel will complete the judgment.

### Step 7: Collecting a money judgment

If the court finds in your favor, and the judgment is not paid immediately, you will need to take steps to collect the money. See the One Court of Justice website about [collecting a money judgment](https://www.courts.michigan.gov/4a801f/siteassets/forms/scao-approved/dci84.pdf), or our article [Collecting Your Judgment](https://michiganlegalhelp.org/node/2418) for more information.