

# Overview of the Small Claims Process

(ESMERALDA TOWNSHIP Justice Court)



Plaintiff must send **DEMAND LETTER** to Defendant by certified mail. Plaintiff must wait 10 business days after mailing to file case.



Plaintiff files **SMALL CLAIMS COMPLAINT**. Must provide court clerk with complaint, demand letter, and proof of mailing, and must pay filing fee. Plaintiff will receive court date from court clerk on Small Claims Summons at the bottom of the complaint.



**DEFENDANT IS SERVED**. Plaintiff must have Defendant served by a third party at least 10 business days before scheduled court date. Plaintiff must file Proof of Service before hearing date.



If Plaintiff **HAS NOT** served complaint on Defendant **10 days prior to court date**, Plaintiff must file a **MOTION TO CONTINUE**, serve Defendant with the complaint and new trial date, and file proof of service with court at least 10 days before new court date.



**SMALL CLAIMS HEARING HELD**. Case is heard by Justice of the Peace.



If Defendant **DOES NOT** attend hearing, **DEFAULT** for Plaintiff. Plaintiff must prove case to get a default judgment.



If Defendant disagrees with **DEFAULT JUDGMENT**, file Motion to Set Aside Default Judgment.

If Plaintiff **DOES NOT** attend hearing, case **DISMISSED**.



If Plaintiff disagrees with **DISMISSAL**, file Motion to Set Aside Dismissal.

Judge issues a **JUDGMENT**.



If either party disagrees with **JUDGMENT**, file **APPEAL** to District Court within 5 days. Must pay filing fee, cost bond, and judgment amount.