

## **Circuit Court of Sheridan County**

224 South Main St. Suite B-7

Sheridan, WY 82801

(307) 674-2940

### **Small Claims Procedures**

#### **Small Claims**

Any case in which the amount in controversy does **not exceed \$6,000** may be filed in Small Claims Court. The rules and procedures in Small Claims Court are simplified to make it easier for litigants to represent themselves. The parties may hire lawyers at their own expense.

The person who files the case is called the Plaintiff; the person against whom the case is filed is called the Defendant. The Plaintiff has the burden of proving the case by confident evidence. Small Claims cases may only be filed in the County in which the Defendant resides.

#### **Filing the Case**

The Plaintiff opens a Small Claims case by filing a Small Claims Affidavit form, which is a sworn statement as to the basic claim information. The Clerk of Court will provide the form. The form must be filled out completely. The Clerk is not an attorney, and cannot give legal advice. In addition to the claim information, the Plaintiff must include on the Affidavit both the Plaintiff's and Defendant's name, physical address, and telephone number. **Any attachments may be brought to court at the time of the trial.**

#### **Filing fees and Costs**

At the time the Affidavit is filed, the Plaintiff must pay the Sheridan Circuit Court a filing fee of **\$10**. A separate fee of **\$50** to the Sheriff or **\$45 per name and/or business** to a private process server for service is also required at the time of filing. These fees should not be included in the amount requested; the judge will add these to the Judgment if granted. The Plaintiff must have a notary witness signature on Affidavit prior or witnessed by a Clerk in the Circuit Court. The Plaintiff may choose to use the Sheriff's Department, Wyoming Investigations. **THE SHERIFF'S DEPARTMENT DOES NOT TAKE PERSONAL CHECKS.** If there are multiple defendants, private process servers charge per name while the Sheriff's Office charges per address.

#### **Trial Procedures**

When the court date is set by the Clerk, you will receive a copy of the Affidavit and the Summons by mail. The date for your court hearing will appear on the copy of the Summons. **The Plaintiff should contact the Sheriff's Office or Process Server prior to the trial** to find out if the Defendant has been served. If full payment is received before the court date, the Plaintiff must contact the Court and a Dismissal must be filed. Both parties must bring all of their evidence and witnesses to the trial. **Any paperwork used as evidence needs to have 3 copies.**

The trial of a Small Claims case is more informal than the trial of most cases. If your case involves difficult technical legal problems, you may want to seek the advice of an attorney. At the beginning of the case the Judge will administer an oath to all persons who are going to testify. The Plaintiff will then be given an opportunity to state their view of the facts in the case and show the Judge any evidence such as documents, pictures, records, estimates and bills, and have any witnesses testify for him/her. When the Plaintiff has finished presenting their side of the case, the Defendant may present their side of the case in the same manner.

## **Judgment and Appeal**

After hearing all of the evidence, the Judge will make a decision and a Judgment will be issued with a copy to both parties. Either party has the right to appeal the Judgment to the District Court within thirty days after it is entered. To begin the appeal process, the party needs to check with the Clerk's Office for further instructions.

## **Collecting the Judgment**

The party who has the Judgment may garnish wages, bank accounts, or execute upon personal property. The forms are available from the Clerk's office. Each garnishment must be served by either a process server or by certified mail.

## **Satisfaction of Judgment**

All payments received toward a Judgment may be made directly to The Sheridan Circuit Court, either by garnishment or by the Defendant paying to the Plaintiff after receipt of the judgment. When full payment is made, a Release and Satisfaction of Judgment must be signed by the Plaintiff; failure to do so is a violation of W.S. 1-21-402.

If you have any further questions about the procedures in the Small Claims Court, please feel free to call Circuit Court or if you need free Legal Aid call 1-(800)-442-6170. The clerk **can not** provide legal advice, if you need assistance, please contact a lawyer.