

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.

***Pursuant to W.S. § 1-5-104 – A defendant in a small claims action may only be sued in the county in which the cause of action or some part thereof arose.**

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 a preponderance of the evidence.

Filing the Case

Before filing a Small Claims case a written or oral demand for payment must be made on the defendant (s). 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 or you may access it online (instructions on page 2). If you access the form online – you will need to provide copies of the affidavit for the Court, the plaintiff (s) and the defendant(s) at the time of filing. The form must be filled out completely. You will also need to file a Civil Cover Sheet (this is also available online). **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 for service is also required – see next paragraph. These fees should not be included in the amount requested on the Affidavit; the Judge may add these to the Judgment in Court. The Plaintiff must have a notary witness signature on Affidavit prior or witnessed by a Clerk in the Circuit Court.

Service

A separate fee for service is required at the time of filing if paperwork is to be served in person. The Plaintiff may choose to use the Sheriff or Wyoming Investigations for serving of small claims paperwork. **THE SHERIFF'S OFFICE DOES NOT TAKE PERSONAL CHECKS.** If you would like a receipt from the service provider, you will need to contact them. If there are multiple defendants – please see below:

Sheriff's Office: \$50.00 per address

Wyoming Investigations: \$50.00 per name

Service may also be made by certified mail addressed to the Defendant at his address within the state of Wyoming with a return receipt requested. Upon the receipt by the Circuit Court of the return receipt signed by the Defendant or their agent, service is then complete. The Plaintiff is required to provide the Circuit Court clerk with the postage paid addressed envelope for certified mail at the time of filing.

Trial Procedures

When the court date is set by the Clerk, you will receive a copy of the Affidavit and the Summons by mail, along with a receipt for the \$10 filing fee. The date for your court hearing will appear on the copy of the Summons. **It is the Plaintiff's responsibility to 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.** If a party is not in Sheridan County – requests to appear by Microsoft Teams needs to be approved prior to the hearing date.

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, please 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, 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. **The clerk can not provide legal advice, if you need assistance, please contact a lawyer.**

Legal Aid of Wyoming, Inc. 1-877-432-9955 www.legalhelp.wy.gov
Wyoming State Bar 1-307-632-9061 www.wyomingbar.org

*To access small claims forms online – go to www.courts.state.wy.us
Click on circuit courts
Click on directory
Click on judicial district 4 – Sheridan County
Click on small claims forms*