

Circuit Court of Sheridan County

224 South Main St. Suite B-7

Sheridan, WY 82801

(307) 674-2940

Small Claims Procedures

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 Rule 4 of the Rules and Forms Governing Small Claims Cases, a Defendant in a small claims action may be sued in the county in which the Defendant has an address or where the cause of action or some part thereof arose.** [W.S. §1-21-203(a)].

Filing the Case

The person who files the case is called the Plaintiff; the person against whom the case is filed is called the Defendant. Plaintiff has the burden of proving the case by a preponderance of the evidence. Plaintiff must file 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). In addition to the claim information, the Plaintiff must include on the Affidavit both the Plaintiff's and Defendant's name, email address physical address, and telephone number. **The Court will use email as the preferred form of communication to expedite notice of proceedings.**

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. These fees should not be included in the amount requested on the Affidavit; the Judge may add these to any Judgment if obtained. Plaintiff must have a notary witness signature on Affidavit prior or witnessed by a Clerk in the Circuit Court.

Service

A separate fee for personal service upon a Defendant is required at the time of filing. A Plaintiff may choose to use the Sheriff or Wyoming Investigations for service **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, the following known fees may apply: Sheriff's Office: \$50.00 per address and 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. **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 by email a copy of the Affidavit. Summons and a receipt for the filing fee. The trial date will appear on the copy of the Summons. If no email address is provided, the copies will be mailed to the addresses provided. **It is the Plaintiff's responsibility to contact the Sheriff's Office or private Process Server prior to the trial to find out**

if the Defendant has been served. If full payment is received before the trial date, the Plaintiff must contact the Court and file a Dismissal.

A Small Claims trial 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. Both parties must bring to the trial all of their evidence, including documents, pictures, records, estimates and bills along with any witnesses who will testify at trial. You must bring your own electronic devices to present any video or other evidence and provide a thumb drive for the Court record. Any evidence from a phone must either be downloaded to a thumb drive or printed to be admissible. The Court will NOT view any documentation from any party's phone. Letters from other people are hearsay and will not be allowed. You must provide three (3) copies of any evidence to be presented and any failure to comply will result in the evidence not being considered by the Court.

At trial, the Judge will administer an oath to all persons who are going to testify, subject to penalty of perjury for any false statements. Plaintiff will then testify as to the facts, present any evidence and have any witnesses testify. After Plaintiff has finished presenting his/her side of the case, the Defendant may present his/her side of the case in the same manner.

Judgment and Appeal

After hearing all of the evidence, the Court will either make a decision in Court, or may take the matter under advisement and issue a written Judgment that will be provided to the parties. Either party has the right to appeal the Judgment to the District Court within thirty (30) days after it is entered. The person pursuing an appeal is responsible for all costs. To begin the appeal process, please check with the Clerk's Office for further instructions.

Collecting the Judgment

The party who is granted a Judgment may garnish wages, bank accounts, or execute upon personal property. The forms are available from the Clerk's office.

Satisfaction of Judgment

All payments received toward a Judgment may be made directly to the Sheridan Circuit Court, by the Defendant to the Court or the Plaintiff. **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.**

ADVISEMENTS

If you have any further questions about the procedures in the Small Claims Court, please feel free to call Circuit Court. **YOU ARE ADVISED THAT THE CLERKS CANNOT PROVIDE LEGAL ADVICE, IF YOU NEED LEGAL ASSISTANCE, PLEASE CONTACT A LAWYER. The following resources are also available to you:**

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*