

CHAPTER TWO
SMALL CLAIMS

36. DEFINITIONS.

Rule 36. DEFINITIONS.

The small claims process may be used for claims for money or the delivery of tangible property where the matter in dispute has a value of two thousand dollars (\$2,000.00) or less, exclusive of interest and costs.

37. JURISDICTION; LIMITATIONS.

Rule 37. JURISDICTION; LIMITATIONS.

Jurisdiction and limitations of actions in the small claims process proceedings shall be the same as in Rule 1 and Rule 32 of Chapter 1 of these Rules.

38. INITIATION OF SMALL CLAIMS PROCESS

Rule 38. INITIATION OF SMALL CLAIMS PROCESS

The small claims process is initiated by the claimant completing a form to be provided by the court clerk and paying the filing fee of five (\$5.00) dollars.

39. HEARING DATE.

Rule 39. HEARING DATE.

When the claim is filed, the court clerk shall write upon the original of the small claims form the date and time of hearing and give the claimant a stamped copy of the form. The hearing shall take place no later than forty-five (45) days from the date the claim is filed. Continuance may be granted for good cause.

40. SERVICE OF PROCESS

Rule 40. SERVICE OF PROCESS

The court clerk shall send a copy of the small claims form to the defendant by certified mail, return receipt requested. This copy shall contain the notice of hearing as entered on the original. In the event that service of process cannot be obtained by mail, personal service may be made by any person over the age of eighteen (18) and not a party to the

proceeding.

41. WRITTEN ANSWER NOT REQUIRED; DEFENSE AT HEARING.

Rule 41. WRITTEN ANSWER NOT REQUIRED; DEFENSE AT HEARING.

A written answer by the defendant shall not be required and the defendant may present any defense at the hearing.

42. FILING OF COUNTERCLAIM.

Rule 42. FILING OF COUNTERCLAIM.

The defendant may file a counterclaim by completing a counterclaim form and paying the filing fee which shall be the same as for a small claims complaint. The value of the counterclaim shall not exceed two thousand dollars (\$2,000), exclusive of interest and costs. The counterclaim must be filed at least fifteen (15) days prior to the hearings. The court clerk shall, immediately after filing, send a stamped copy of the counterclaim to the claimant by certified mail, return receipt requested. If the counterclaim is in excess of two thousand (\$2,000) dollars then the procedures set forth in Chapter 1 of these Rules shall be followed.

43. EVIDENCE; TESTIMONY OF WITNESSES.

Rule 43. EVIDENCE; TESTIMONY OF WITNESSES.

All parties may present evidence and the testimony of witnesses.

44. SUBPOENAS; SUBPOENAS DUCES TECUM

Rule 44. SUBPOENAS; SUBPOENAS DUCES TECUM

Subpoenas for witnesses and documents may be issued by the court upon request. The subpoenas may be served by any person eighteen (18) years of age or older who is not a party to the action. The person making service shall complete the return of service and file the subpoena with the court clerk.

45. JUDGMENT.

Rule 45. JUDGMENT.

A judge shall enter judgment for a party after a hearing. Judgment shall be entered against a claimant if he/she who fails to appear for the hearing. Judgment shall be entered against a defendant who does not appear if the claimant proves his/her case. A judgment may be executed in any manner provided by Chapter 1 of these Rules.

46. ATTORNEYS

Rule 46. ATTORNEYS

A party shall not be represented by an attorney prior to judgment.

47. DISCOVERY.

Rule 47. DISCOVERY.

Discovery shall not be allowed.