

VAN WERT MUNICIPAL COURT – SMALL CLAIMS PROCEDURE

1. Small claims is limited to civil actions for recovery of money only. Typical cases involve suits for the return of security deposits, payment of back rent, and payment of loans, recovery of amounts paid for services never rendered or not rendered to satisfaction. The Small Claims Court does not have jurisdiction over actions for libel, slander, malicious prosecution or recovery of property.
2. The party who files the complaint is the plaintiff. The party against whom the action is filed is the defendant.
3. The transaction must have taken place in Van Wert County or the defendant must be a Van Wert County resident.
4. You must provide the address of the party you are filing against. The court must have service of the claim to proceed.
5. The amount claimed may not exceed \$6,000.00 and you may not separate your claim into multiple suits.
6. \$125.00 filing fee for 1 or 2 defendants and an additional \$30 filing fee for each additional defendant.
7. A claim must be proven by a preponderance of the evidence. You must file any evidence to establish damages.
8. Parties may subpoena witnesses at an additional \$10.00 subpoena cost and must be filed with the Court at least one week prior to the hearing.
9. Parties may bring additional witnesses and exhibit to the hearing. You must provide three copies of any exhibits that are brought to Court the day of the hearing.
10. The hearing will be in about 40 days from the filing date.
11. If you settle your claim before the Court date, you must inform the Court and additional paperwork is required for dismissal.
12. Parties must be specifically and correctly identified, such as “Inc., Co., or D.B.A.” for business. If business is a LLC, or under a trust, an attorney must file the complaint.
13. The Deputies of the Clerk’s office are not attorneys and it is not part of their job, or are they allowed, to give legal advice. If you could benefit from legal advice, you must contact an attorney.
14. It is the responsibility of the winning party to initiate any steps to collect judgment. The Clerk’s office has the necessary paperwork available for garnishment.
15. You must provide the original and two copies of any exhibits that you wish to be a part of the hearing.

VAN WERT COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION

Case No: CVI _____

PLAINTIFF(S) (Person Filing Small Claims):

DEFENDANT(S) (Who are you filing against)

Name

Name

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone Number

Phone Number

Email

Email

- (1) Is the Defendant currently in the United States Military Service? () YES () NO
- (2) The Summons (Defendant's Notice of the Complaint) will be sent by certified mail. If you waive notice of failed service and the certified mail is returned as "Refused" or "Unclaimed", the Court will resend it by ordinary mail and set a new trial date. Do you want to waive notice of failed service? () YES () NO

COMPLAINT

Plaintiff demands judgment against Defendant in the sum of \$ _____, plus court costs and interest.

COMPLAINANT'S OATH

Each Plaintiff must sign the Complainant's Oath

"I declare under penalty of law that this Complaint is true and correct to the best of my knowledge; that the cause is for the payment of money that the nature of Plaintiff's demand is as stated, and that there is due to Plaintiff from the Defendant the amount stated above".

Signature: _____ Date: _____

Signature: _____ Date: _____