

SMALL CLAIMS

The Moreau Town Court has jurisdiction over Small Claims, which are cases for money damages not exceeding \$3000.00. To file a Small Claims Case, you must be 18 years or older; otherwise, the action must be brought by a parent or legal guardian. The Defendant must reside, work or have a place of business in the Town or Moreau. The filing fee is \$10.00 or \$15.00 according to the amount you are suing for. A corporation may not file a Small Claim in a Town or Village Court, but they may file one in a City Court (Saratoga Springs City Court or Mechanicville City Court.)

Small Claims are mailed by both, "Certified Mail-Return Receipt Requested," and by First Class Mail. Therefore, a proper mailing address is required. **POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.** You must pay for the cost of the mailings.

You must pick up and fill out the application form and bring the form to the Court in person. Do not fill out the section dealing with the date and time of the hearing. A Court Clerk will schedule the hearing when you bring the form to the Court. They will also assist you in filling out the form, if you have any questions.

FAQs:

Q: Do I need a lawyer in Small Claims Court?

A: Absolutely not, although you may bring a lawyer with you to assist. The procedure is informal and designed to permit individuals to bring and defend claims without being skilled in the law.

Q: I've just received notice of a Small Claims action being brought against me. What if I do not appear?

A: The Court may issue a Default Judgement against you.

Q: I've brought a Small Claims action to recover damages. How do I prove the damages?

A: Bring a receipted bill marked, "Paid in full," or if you have not had the car repaired, bring at least two SIGNED itemized estimates of the cost of the repairs.

Q: What if my witness cannot come to Court on the trial date?

A: You may have a problem. If the other side is ready and does not consent to an adjournment, the Court can order the trial to go ahead, even without your witness. If you know in advance that a necessary witness may not appear voluntarily, see the Court Clerk about a subpoena.

Q: Will the Judge rule on my case on the same day as it is tried?

A: It depends upon the nature of the case and the evidence presented. The Judge may reserve decision and mail it to the parties at a later time.

Q: What about settling the case?

A: You may also be contacted by Mediation Services of Saratoga, Warren and Washington Counties to see if you are willing to have a trained mediator help settle your case. The Court can provide you with a brochure containing more information on this service if you are interested.

While you are not obligated to participate in any mediation service, it is often possible to resolve your case on terms agreeable to both parties, without Court intervention.

Q: What if I have more questions?

A: For more information, you may pick up a booklet called, SMALL CLAIMS GUIDE at the Court Office or view the booklet on line at;

(<http://nycourts.gov/CourtHelp/pdfs/SmallClaimsHandbook.pdf>)

NOTE: The SMALL CLAIMS HANDBOOK is in Adobe Acrobat format. You can click on the link, "Get Acrobat Reader," link below to download the program. There is NO CHARGE for it.

(<http://get.adobe.com/reader/>)