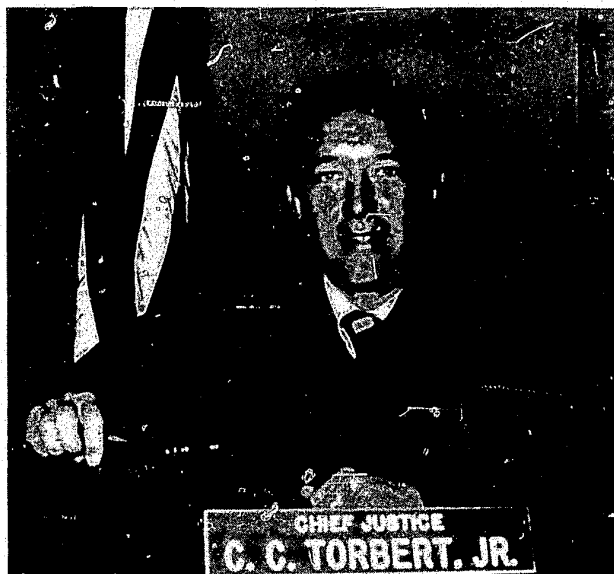
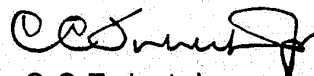


The Who, When and How of Using the Small Claims Court in the State of Alabama



Message from the Chief Justice

This booklet has been prepared by the State Administrative Office of Courts to help Alabama citizens use the Small Claims Court. If you need further assistance, contact the court officials in your county. The court system of Alabama is pleased to provide you this service.


C. C. Torbert, Jr.
Chief Justice

65136

Preface

The Small Claims Court has been established to help people settle disagreements in a quick and inexpensive manner. This handbook will explain the Who, When and How of using the Small Claims Court. Read this handbook completely before starting any action. A directory of Small Claims Courts is included in the appendix.

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I. General Information About The Small Claims Court

1. What Is The Small Claims Court?

The purpose of our civil court system is to settle disputes and disagreements between one person or business and another. Many of the disputes between people or businesses do not involve large amounts of money or difficult legal problems. The Small Claims Court handles disputes involving money or property valued at \$500 or less. The procedures of this court are simple, so that an individual may handle and file his own claim or defend himself without a lawyer. There are no juries used in the Small Claims Court. Small Claims Court is a part of the district court and is located in each county of Alabama (See Appendix).

2. What Legal Terms Do I Need To Know?

There are very few terms you need to learn to effectively use the Small Claims Court. A knowledge of some basic words used in the Court will help.

- a. *Plaintiff*: The person who files a suit against another person.
- b. *Defendant*: The person against whom a suit is filed.
- c. *Statement of Claim* (Complaint): The legal paper filed by the plaintiff briefly telling the court and the defendant about the claim he has against the defendant (See Samples on Pages 8 and 10).
- d. *Defendant's Answer*: The legal paper filed by the defendant telling the court whether or not he feels that he is responsible for the debt claimed and what he intends to do to settle the case (See Sample on Page 12).
- e. *Defendant's Counterclaim*: The legal paper filed by the defendant telling the court and plaintiff about a claim he has against the plaintiff (See Sample on Page 14).

3. Who Can Use The Small Claims Court?

Any person who has reached the age of 19 can file a claim in the Small Claims Court. A person under 19 years of age must bring someone who is 19 or older to file the Statement of Claim. Check with the Small Claims Clerk as to who may file the Statement of Claim for you if you are under 19. The Attorney General has determined in an opinion dated September 7, 1977, that a corporation can file suit in a Small Claims Court only if represented by a licensed attorney.

4. What Type Of Claims May Be Filed In The Small Claims Court?

You can use the Small Claims Court if you are involved in a dispute over money or property valued at \$500 or less. The types of disagreements are numerous: i.e., someone owes you money and won't pay. You work for someone but do not receive the full amount of pay agreed. You have paid someone to perform some work—repair something, and he has not done it. You have purchased something from a business, but it breaks down and the business refuses to replace it. Someone has carelessly damaged something you own and refuses to fix or pay for the loss or damage. You have paid a security deposit on an apartment and have not damaged the apartment in any way, but the landlord refuses to return the deposit. There are many other situations which could bring you into Small Claims Court. If you find yourself in any situation in which you feel that you are being wronged, and the claim involves \$500 or less, the Small Claims Court gives you a way to tell your story to a judge with little expense and normally without the need to hire a lawyer.

II. Information For The Plaintiff

1. How Do I File A Claim In Small Claims Court?

Before filing a claim, try to contact the other person or party and solve this problem by coming to an agreement or settlement. This attempt if successful, will save you time and money (such agencies as the Better Business Bureau and various consumer protection organizations can be of assistance if your dispute is with a business firm over a product or service). Any agreement reached should be in writing. If you cannot get the other person (or party) to come to a reasonable solution, you may wish to file your claim in Small Claims Court. If you think you have a claim, go to the Small Claims Court in the county where the person or business you wish to sue lives or has an office, file a Statement of Claim (Complaint) form with the clerk, give the original plus one copy to the clerk and keep a third copy for yourself (an extra copy is needed for each additional defendant you wish to sue). Refer to the Statement of Claims Forms (Pages 8 and 10) in this handbook to prepare your claim for filing. Be sure to read the instructions on the back of the Statement of Claim form. You *must* furnish the correct and complete address of the defendant so that he can be served with a Statement of Claim. *Do not* give a post office box number. It is up to YOU and *not* the clerk to furnish the address if you are suing a business. Check the telephone book for help in getting the correct name and address of the business.

2. What Happens When I File A Claim?

The clerk will assign your case a number. Use this case number whenever you contact the court concerning the case. **YOU MUST PAY COURT FEES AT THE TIME YOUR CASE IS ASSIGNED A NUMBER.** If you feel you cannot afford to pay this fee, you can fill out an Affidavit of Substantial Hardship form asking the judge to decide if you can file your case without paying the fee. Ask the Small Claims clerk for the form. The clerk will set the day and time of your trial at the time of filing or will send you a notice of the day and time of the trial at a later date.

3. How Much Do I Have To Pay To File My Claim?

A basic fee (plus any local fees required by law) is required to file your claim. This fee includes the cost of having your Statement of Claim legally delivered to the defendant (this is called Service of Process). In order to insure a speedy Service of Process, make sure you have the correct name and address of each defendant. If your claim involves more than one defendant, an additional \$5 will be charged for *each* extra defendant. If you win your Small Claims Case, you have the right to charge the defendant for the court fees you paid (in addition to the court ordered judgment) to bring your case before the court. If you are represented by a licensed practicing attorney, you may charge the defendant for the attorney's fee if a note or contract has provided for attorneys fees for bringing the case to court for collection.

4. What Happens After I File A Claim?

The clerk will send a copy of the Statement of Claim and Defendant's Answer form to each person or business you have named as defendant, normally by sheriff. If you wish, certified mail may be used at a little extra cost to you. A few days after you file your claim, you must check with the clerk to make sure each defendant was served with your Statement of Claim. If not, you must go to the clerk's office and try to have the defendant served with your Statement of Claim again. You can see that it is *important* for you to give the correct name and address for each defendant you are suing in your claim. Once served with a Statement of Claim, each defendant has 14 days to file an Answer form with the clerk of the Small Claims Court. The defendant is not required to deliver a copy of his Answer to you unless he makes a counterclaim against you. Therefore, you must contact the clerk's office to see if the defendant has filed an answer. If he doesn't file the Answer form, refer to paragraph 7 for further facts on a Default Judgment. If the defendant does file an Answer, you and the defendant will receive a

notice telling you when your trial day is set if you were not given one when you filed your claim. If the defendant contacts you before the trial in an attempt to settle the case without going to trial, you are encouraged to try to reach an agreement with him. The agreement should be in writing and specify who is to pay the court costs. *You* must notify the clerk in writing that you are dropping your case because it has been settled.

5. How Should I Prepare My Case For Trial?

- a. Gather all the papers and documents (such as bills, receipts, photographs, letters, contracts, etc.) which you feel are needed to present your side of the story to the judge. Keep these papers together in a folder. If your claim is for damage to your car or other personal property, you should bring at least two repair shop estimates on how much it will cost to fix your car or other property, and an estimate of the value of your car or other property before the damage. If you had your car or other property repaired before you decided to file your claim in Small Claims Court, you should still bring at least two repair shop estimates, and the actual bill showing what you paid for the repairs.
- b. Write down the details and facts of your case. This will help you in telling your side of the story during the trial. Use only the necessary facts, but tell the whole story. It is your responsibility to see that everything is ready for the trial.

6. Can I Bring Witnesses To The Trial?

Yes, you can bring witnesses (anyone with first hand knowledge of your case may be of help to you). If a witness says he cannot or will not come to the trial because of work or other things to do, the court can make him come by issuing an *Order to Appear* (Subpoena) at a small extra cost. If the claim involves an accident and you want the investigating law officer to come to court as your witness, you must ask the clerk to issue an Order to Appear (Subpoena) for him. If an Order to Appear (Subpoena) is needed, the forms and cost should be discussed with the clerk well ahead of the trial to make sure that each of your witnesses are served. Witnesses are paid a small fee to appear in court, plus traveling expenses based on the miles they must travel to the court within the State of Alabama. You, the plaintiff, will be required to pay these fees to the clerk for each witness who is ordered to appear (subpoened) in addition to the subpoena fees.

7. Does Anything Else Happen Before The Trial?

In some cases, the judge will request an informal meeting of the people involved in the case. This is done in order to give the parties a chance to discuss the dispute and see if an agreement is possible. This meeting (called a Pre-trial Conference) could lead to a voluntary settlement, saving time for everyone. The clerk will notify you if a pre-trial conference is desired by the judge. If the defendant fails to file an Answer form within 14 days, he is taking the point of view that he does not intend to defend himself. If this happens, you should gather all of your papers and documents necessary to prove your case, and go to the clerk's office and see about getting a Default Judgment against the defendant.

8. What Happens At The Trial?

FIRST, BE ON TIME. If you are late for your court day, the judge may throw your case out of court. If something comes up preventing you from being on time, or coming to the trial at all, you *must* inform the judge and request a continuance, (delay or postponement) of the trial. You must also realize that the defendant has the same right to request a continuance as you do. The judge may or may not grant you a continuance. Remember, there are a number of cases to be heard, so you will have to wait your turn. Bring all of the receipts, photographs, bills, letters, etc., you have gathered to present your side of the story to the judge. Remind your witnesses to be on time for your trial. If the defendant is ready to present his case, the judge may not delay the trial simply because your witness is not present. Relax, you will have a chance to tell your story, and show your evidence to the judge. The plaintiff goes first to tell

his story. As you bring up a point, offer your evidence to the judge to support your statement. The judge and defendant will ask you questions, and you may ask the defendant questions concerning the case to help determine the facts. Since the defendant's version might be quite different from yours, this questioning will be of importance in determining the true facts of the case. Be brief, but do not leave out important names, dates, and places. After hearing both sides of the story and looking at the evidence, the judge will make a decision (based on the law and what he sees as the real facts) called the Judgment. If you do not go to the trial and have not notified the judge that you need the trial postponed, the judge may dismiss your case.

9. What Happens If The Defendant Doesn't Come To The Trial?

In the event that the defendant does not appear in court on the trial day, you should ask the judge for a Default Judgment. After a review of the case (to decide if all of the defendant's rights have been protected under the law) the judge may enter a Judgment by Default against the defendant. You can then take the actions discussed in paragraph 11.

10. How Do I Get My Money If I Win?

There are basically two ways to win a small claims law suit:

A. By default judgment as discussed above in paragraphs 7 and 9.

B. By judges' decision (Judgment) at the conclusion of the trial.

If you win your case, you should ask the other party to pay you immediately. It is up to YOU to try to collect your money or property. If the defendant does not pay you, the methods for getting your money from the defendant after the Judgment are outlined in the following paragraph.

11. What Should I Do If The Defendant Doesn't Pay The Judgment As Ordered By The Court?

If the other party refuses to pay you after you have received a Judgment, you may obtain an Execution, (a court order authorizing the sheriff to pick up any property belonging to the losing party, and sell it to satisfy the Judgment); or you may obtain a court order to garnish (withhold) the wages of or bank account of the losing party to satisfy the Judgment. The court cannot, however, put the losing party in jail. These proceedings will cost you a small additional fee. The clerk can provide guidance and the necessary forms, but it is up to you, the plaintiff, to follow through on this case if you want the money the court says you should get. This process can become very involved, and you may wish to have a lawyer help you with the collection.

12. What Can I Do If I Disagree With The Court Judgment?

If you disagree with the Judgment (decision) in your case, you can appeal by filing a Notice of Appeal form with the clerk of this court within 14 days after the date of this judgment. The appeal will normally be decided in the circuit court where you have the right to ask for a trial by jury. The party filing an appeal must be prepared to pay a filing fee and post a bond to cover any unpaid court costs. A person who is unable to afford this fee or bond may be allowed to file an appeal after filling out an Affidavit of Substantial Hardship form showing the judge his financial circumstances. You are encouraged to hire an attorney to handle your appeal.

III. Information For The Defendant

1. What Happens When I Am Sued In Small Claims Court?

When you are served with a Statement of Claim and Defendant's Answer, you have 14 days to file your answer with the clerk. **YOUR ANSWER MUST REACH THE CLERK WITHIN 14 DAYS FROM THE DATE THE PAPERS WERE DELIVERED TO YOU.** Refer to the Answer form on page___in this handbook to prepare your Answer. You may contact the plaintiff in an effort to

settle this case without going to trial. This attempt, if successful, will save you time and money. Any agreement reached should be in writing and specify who is to pay the court costs. If a settlement is reached, remind the plaintiff to contact the clerk's office and tell them that the case is being dropped because it has been settled. If you do not file the Answer form within 14 days, you are taking the point of view that you do not intend to defend yourself and the plaintiff may ask the court for a Default Judgment to be taken against you. If you still do not pay the plaintiff the money that you owe him, he may have your wages garnished (withheld) from your pay check in order to collect his money, or the plaintiff may file an Execution against any property that you have, and the sheriff may sell that property in order for the plaintiff to collect his money. You can see that it is important for you to complete the Answer form in order to have a chance to tell your side of the story to the court.

2. What Do I Do If I Have A Claim Against The Plaintiff?

If you feel that you do not owe the plaintiff the money that he is suing for because he owes you money, you may file a Defendant's Counterclaim. This form gives you the chance to explain to the court why you feel you do not owe money to the plaintiff. Go to the Small Claims Court and get a copy of the Counterclaim form (see the sample on page 14 of this booklet for instructions on completing this form). YOU MUST FILE THE ANSWER FORM WITH THE COURT WITHIN 14 DAYS FROM THE DATE THAT THE PAPERS WERE DELIVERED TO YOU EVEN IF YOU ALSO FILE A COUNTERCLAIM AGAINST THE PLAINTIFF.

3. What Happens After I File My Answer With The Court?

The clerk will notify both you and the plaintiff of the place, date, and time of your trial at least 14 days in advance.

4. How Should I Prepare My Case For Trial?

- a. Gather all the papers and documents (such as bills, receipts, photographs, letters, contracts, etc.) which you feel are needed to present your side of the story to the judge. Keep these papers together in a folder.
- b. Write down the details and facts of your side of the story or your Counterclaim. This will help you in telling your side of the story during the trial. Use only the necessary facts, but tell the whole story.

5. Can I Bring Witnesses To The Trial?

Yes, you can bring witnesses (anyone with first hand knowledge of your case may be of help to you). If a witness says he cannot or will not come to the trial because of work or other things to do, the court can make him come by issuing an *Order To Appear* (Subpoena) at a small extra cost. If an Order To Appear (Subpoena) is needed, the forms and cost should be discussed with the clerk well ahead of the trial to make sure that each of your witnesses are served. Witnesses are paid a small fee to appear in court plus travel expenses based on the miles they must travel to court within the State of Alabama. You, the defendant will be required to pay these fees to the clerk for each witness who is ordered to appear (subpoened) in addition to the subpoena fees.

6. Does Anything Else Happen Before The Trial?

In some cases, the judge will request an informal meeting of the people involved in the case. This is done in order to give the parties a chance to discuss the dispute and see if an agreement is possible. This meeting (called Pre-Trial Conference) could lead to a voluntary settlement saving time for everyone. The clerk will notify you if the Pre-Trial Conference is desired by the judge.

7. What Happens At The Trial?

First, be on time. If you are late on your court day, the judge may enter a Judgment against you for failing to defend your case. If something comes up preventing you from being on time or coming to the trial at all, you *must* inform the judge and request a continuance (delay or postponement) of the trial. You must also realize that the plaintiff has the same right to request a continuance as you do. The judge may or may not grant you a continuance. Remember, there may be a number of cases to be heard, so you will have to wait your turn. Bring all of the receipts, photographs, bills, letters, etc., you have gathered to present your side of the story to the judge. Remind your witnesses to be on time for your trial. If the plaintiff is ready to present his case, the judge may not delay the trial simply because your witness is not present. Relax, you will have a chance to tell your story and show your evidence to the judge. The plaintiff goes first to tell his story. The judge and defendant will ask the plaintiff questions and the plaintiff will ask the defendant questions concerning the case to help determine the facts. Since the plaintiff's version may be quite different from yours, this questioning will be of importance in determining the true facts of the case. Be brief but do not leave out important names, dates, and places. After hearing both sides of the story and looking at the evidence, the judge will make a decision (based on the law and what he sees as the real facts) called a Judgment. If the plaintiff does not come to the trial, the judge may dismiss the case against you; but, depending on the circumstances, he may continue the case until a later date to allow the plaintiff to come to court to present his case.

8. What Happens If I Do Not Go To The Trial?

If you do not go to the trial, the plaintiff may request a Default Judgment against you. After a review of the case to determine that all of your rights have been protected under the law, the clerk or judge may enter a Judgment by Default against you. If you feel that the Judgment should not have been taken against you, you have 14 days after the Judgment was entered to file an appeal from the Judgment. If you do not file an appeal, the Judgment against you will be made final and the plaintiff can collect his money.

9. What Happens If I Do Not Pay The Judgment As Ordered By The Court?

If you do not pay the Judgment as ordered by the court, the plaintiff may obtain an Execution (a court order authorizing the sheriff to pick up any property belonging to you and sell it to satisfy the judgment); or he may obtain a court order to garnish (withhold) a percentage of your wages or bank account to satisfy the Judgment.

10. What Can I Do If I Disagree With The Court Judgment?

If you disagree with the Judgment (decision) in your case, you can appeal by filing a Notice of Appeal form with the clerk of the court within 14 days after the date of the Judgment. The appeal will normally be decided in the circuit court where you have a right to ask for a trial by jury. The party filing an appeal must be prepared to pay a filing fee and post a bond to cover any unpaid court costs. A person who is unable to afford this fee or bond may be allowed to file an appeal after filling out an Affidavit of Substantial Hardship form showing the judge his financial circumstances.

INSTRUCTIONS FOR COMPLETING FORMS USED IN SMALL CLAIMS COURT

Sample of Statement of Claim (General)

| | | | | | | | | | | | | | | | | | | |
|---|---|--|-------------------|--|--|--|--|--|--|--|-------------------|-------------------|-----------------------|--|--|--|--|--|
| State of Alabama Unified Judicial System <small>Form SM-1 Rev. 2/79</small> | STATEMENT OF CLAIM (Complaint) General | Case Number <table style="width: 100%; border-top: 1px solid black; border-bottom: 1px solid black;"> <tr> <td style="text-align: center; width: 10%;"><small>SM</small></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;"><small>ID</small></td> <td style="text-align: center;"><small>YR</small></td> <td colspan="6" style="text-align: center;"><small>Number</small></td> </tr> </table> | <small>SM</small> | | | | | | | | <small>ID</small> | <small>YR</small> | <small>Number</small> | | | | | |
| <small>SM</small> | | | | | | | | | | | | | | | | | | |
| <small>ID</small> | <small>YR</small> | <small>Number</small> | | | | | | | | | | | | | | | | |
| IN THE SMALL CLAIMS COURT OF _____ COUNTY | | | | | | | | | | | | | | | | | | |
| Plaintiff Address | Against | Defendant Address | | | | | | | | | | | | | | | | |
| Attorney Address | | Additional Defendant | | | | | | | | | | | | | | | | |
| Date of Filing _____ | | | | | | | | | | | | | | | | | | |
| NOTICE TO EACH DEFENDANT — READ CAREFULLY | | | | | | | | | | | | | | | | | | |
| <p>YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.</p> <p>HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.</p> | | | | | | | | | | | | | | | | | | |
| COMPLAINT | | | | | | | | | | | | | | | | | | |
| 1. I claim the defendant owes the plaintiff the sum of \$_____ because: | | | | | | | | | | | | | | | | | | |
| 2. Plaintiff also claims from the defendant court costs in the sum of \$_____ (see note below), plus \$_____ for interest and \$_____ for lawyers fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.) | | | | | | | | | | | | | | | | | | |
| <p>NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.</p> | | | | | | | | | | | | | | | | | | |
| Clerk _____ | By: _____ | Plaintiff or Attorney (Signature) _____ | | | | | | | | | | | | | | | | |
| CLERK ADDRESS: _____ | | | | | | | | | | | | | | | | | | |
| PHONE NO. _____ | | | | | | | | | | | | | | | | | | |
| PHONE NO. _____ | | | | | | | | | | | | | | | | | | |
| SEE INSTRUCTIONS ON THE BACK | | | | | | | | | | | | | | | | | | |

COURT RECORD (White)

PLAINTIFF (Green)

DEFENDANT (Yellow)

IV. Instructions For Completing Statement of Claim (General) (SM-1)

1. The clerk fills in year and case number at the time plaintiff files Statement of Claim.
2. Plaintiff fills in name of county in which the court is located.
3. Plaintiff fills in his/her name and address.
4. Plaintiff fills in name and address of the defendant (the person against whom the suit is filed).
5. If plaintiff chooses to hire an attorney (lawyer), he/she fills in name and address of attorney. (Attorney's office will assist in filling out the form.)
6. Plaintiff fills in date at the time plaintiff files Statement of Claim.
7. Plaintiff fills in name and address of additional defendants, if any.
8. Plaintiff fills in his/her name.
9. Plaintiff fills in amount of claim.
10. Plaintiff claims why the complaint is made.
11. Plaintiff fills in amount of court costs. The clerk will tell the plaintiff the amount of the court costs.
12. If plaintiff claims interest on a debt, he/she fills in amount due.
13. If an attorney is hired, attorney fills in amount of attorney's fee due. This attorney fee can be collected only if the defendant has signed a contract which provides payment of attorney's fees if contract is broken.
14. The clerk (or deputy clerk) signs the complaint and fills in the address and phone number of the clerk's office.
15. Plaintiff (or attorney) signs the complaint and fills in phone number.

"Plaintiff" refers to the plaintiff or his attorney

Sample of Statement of Claim (Specific Property)

| | | |
|---|---|--|
| State of Alabama Unified Judicial System <small>Form SM-2 Rev. 2/79</small> | STATEMENT OF CLAIM (Complaint) For Specific Property | Case Number <div style="border-top: 1px solid black; display: flex; justify-content: space-between; padding-top: 2px;"> <small>SM</small> <small>ID</small> <small>YR</small> <small>Number</small> </div> |
|---|---|--|

IN THE SMALL CLAIMS COURT OF _____ COUNTY

Plaintiff Address _____ Against Defendant Address _____

Attorney Address _____

Date of Filing _____

NOTICE TO EACH DEFENDANT — READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. Plaintiff demands right to possession from the defendant of the following property:

Otherwise, plaintiff claims the sum of \$_____ from the defendant as the alternate value of this property.

2. Plaintiff also claims from the defendant the sum of \$_____ for the use of this property from _____ to the present.

3. Plaintiff also claims from the defendant court costs in the sum of \$_____ (see note below), and \$_____ for lawyers fees (**only** if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

By: _____

Clerk

CLERK ADDRESS: _____

PHONE NO. _____

Plaintiff or Attorney (Signature) _____

PHONE NO. _____

SEE INSTRUCTIONS ON THE BACK

COURT RECORD (White)

PLAINTIFF (Green)

DEFENDANT (Yellow)

V. Instructions For Completing Statement of Claim (Specific Property) (SM-2)

Under the laws of the State of Alabama there are two ways that a Plaintiff may be entitled to recover property.

- a. Plaintiff may ask to take the property before trial and hold it until the trial if Plaintiff can show that the defendant is likely to leave the State with the property before trial.*
- b. After the trial if the Court finds that the Plaintiff is entitled to the property, the property will be awarded to the Plaintiff.

*If you feel that the defendant will leave with the property before the trial and you wish to take the property before trial, there are specific rules which must be followed and the assistance of a lawyer may be needed.

These instructions are for cases in which the Court will award the property to the proper person after a trial.

1. The Clerk fills in year and case number at the time plaintiff files Statement of Claim.
2. Plaintiff fills in name of county in which court is located; his/her name and address; the name and address of the defendant (person against whom the suit is filed); and the date he/she files the Statement of Claim with the clerk.
3. If plaintiff chooses to hire an attorney (lawyer), he/she fills in name and address of attorney. (Attorney's office will assist in filling out the form.)
4. Plaintiff describes the property and the reason for the claim.
5. Plaintiff fills in the amount that the property is worth; the amount due plaintiff for use of the property by the defendant; the date he/she delivered the property to the defendant.
6. Plaintiff fills in the amount of court costs. The clerk will tell the plaintiff the amount of the court costs.
7. If an attorney is hired, attorney fills in amount of attorney's fee due. This attorney fee can be collected only if the defendant has signed a contract which provides payment of attorney's fee if contract is broken.
8. The clerk (or deputy clerk) signs the complaint and fills in the address and phone number of the clerk's office.
9. Plaintiff (or attorney) signs the complaint and fills in phone number.
"Plaintiff" refers to the plaintiff or his attorney

"Plaintiff" refers to the plaintiff or his attorney

Sample of Defendant's Answer

| | | | | | | | | |
|--|--|--|----|----|--------|----|----|--------|
| State of Alabama Unified Judicial System Form SM-3 Rev. 2/79 | <h2 style="margin: 0;">DEFENDANT'S ANSWER</h2> | Case Number <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; text-align: center; font-size: small;">SM</td> <td style="border-bottom: 1px solid black; text-align: center; font-size: small;">YR</td> <td style="border-bottom: 1px solid black; text-align: center; font-size: small;">Number</td> </tr> <tr> <td style="text-align: center; font-size: x-small;">ID</td> <td style="text-align: center; font-size: x-small;">YR</td> <td style="text-align: center; font-size: x-small;">Number</td> </tr> </table> | SM | YR | Number | ID | YR | Number |
| SM | YR | Number | | | | | | |
| ID | YR | Number | | | | | | |

| | |
|---|------------|
| IN THE SMALL CLAIMS COURT OF _____ COUNTY | DATE FILED |
|---|------------|

| | | |
|------------------|---------|------------------|
| Plaintiff: _____ | Against | Defendant: _____ |
| Address: _____ | | Address: _____ |

Part I

DEFENDANT'S ANSWER TO THE COMPLAINT

Check One:

A. _____ I do not live in this county. I want this case transferred to my home county of _____

B. _____ I admit everything in the Statement of Claim and do not want a trial. (This means that you consent to a judgment for the amount claimed plus court costs.)

C. _____ I admit that I owe some money, but not the total amount claimed by the plaintiff(s). (Explain below)

D. _____ I deny that I am responsible at all. (Explain below)

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

| | |
|---------------------|-----------------------|
| Name of Employer | Business Phone Number |
| Address of Employer | Weekly Take-Home Pay |

Part II. BE SURE TO SIGN THIS FORM BEFORE MAILING.

Keep the yellow copy for your files.
 Mail the original (white copy) to the
 Small Claims Court at the address below.

 Defendant/Attorney (Signature)

ADDRESS: _____

Phone No. _____

SEE INSTRUCTIONS ON THE BACK

VI. Instructions For Completing Defendant's Answer (SM-3)

1. Clerk fills in year and case number before the Answer is delivered or mailed to the defendant.
2. Clerk fills in name of county in which the court is located.
3. Clerk fills in name of plaintiff.
4. Clerk fills in name of defendant.
5. Defendant checks the appropriate space in Section I.
6. Defendant explains his answer if he checks "C" or "D" in Section I.
7. Defendant or his attorney signs the form and fills in his telephone number.
8. The clerk fills in the address and phone number of the court.

Sample of Defendant's Counterclaim

[illegible]

COURT RECORD (White)

PLAINTIFF (Green)

DEFENDANT (Yellow)

VII. Instructions for Completing Defendant's Counterclaim (SM-6)

1. Clerk fills in year and case number at the time defendant files the counterclaim.
2. Defendant fills in name of county in which the court is located.
3. Clerk enters the date the Counterclaim is filed.
4. Defendant fills in name and address of plaintiff.
5. Defendant fills in his/her name and address.
6. Defendant fills in his/her name.
7. Defendant fills in amount of Counterclaim.
8. Defendant claims why the Counterclaim is made.
9. Defendant fills in amount of interest claimed, if any.
10. Defendant or attorney signs the form and enters his/her phone number.
11. Clerk fills in address and phone number of the court.

APPENDIX

Autauga

Autauga County District Court
Small Claims Division
County Courthouse
Prattville, AL 36067
Phone: 365-7914

Baldwin

Baldwin County District Court
Small Claims Division
County Courthouse
Bay Minette, AL 36507
Phone: 937-9561

Barbour (Clayton Division)

Barbour County District Court
Small Claims Division
County Courthouse
Clayton, AL 36016
Phone: 775-8366

Barbour (Eufaula Division)

Barbour County District Court
Small Claims Division
County Courthouse
Eufaula, AL 36027
Phone: 687-4955

Bibb

Bibb County District Court
Small Claims Division
County Courthouse
Centreville, AL 35042
Phone: 926-4745

Blount

Blount County District Court
Small Claims Division
County Courthouse
Oneonta, AL 35121
Phone: 274-2125

Bullock

Bullock County District Court
Small Claims Division
County Courthouse
Union Springs, AL 36089
Phone: 738-2280

Butler

Butler County District Court
Small Claims Division
County Courthouse
Greenville, AL 36037
Phone: 382-3521

Calhoun

Calhoun County District Court
Small Claims Division
1411 Gurnee Avenue
Anniston, AL 36201
Phone: 236-2558

Chambers

Chambers County District Court
Small Claims Division
County Courthouse
LaFayette, AL 36862
Phone: 864-8823

Cherokee

Cherokee County District Court
Small Claims Division
County Courthouse
Centre, AL 35960
Phone: 927-3637

Chilton

Chilton County District Court
Small Claims Division
County Courthouse
Clanton, AL 35045
Phone: 755-4275

Choctaw

Choctaw County District Court
Small Claims Division
County Courthouse
Butler, AL 36904
Phone: 459-2155

Clarke

Clarke County District Court
Small Claims Division
County Courthouse
Grove Hill, AL 36451
Phone: 275-3363

Clay

Clay County District Court
Small Claims Division
County Courthouse
Ashland, AL 36251
Phone: 354-7926

Cleburne

Cleburne County District Court
Small Claims Division
County Courthouse
Heflin, AL 36264
Phone: 463-2651

Coffee (Enterprise Division)
Coffee County District Court
Small Claims Division
County Courthouse
Enterprise, AL 36330
Phone: 347-2519

Coffee (Elba Division)
Coffee County District Court
Small Claims Division
County Courthouse
Elba, AL 36323
Phone: 897-2954

Colbert
Colbert County District Court
Small Claims Division
County Courthouse
Tuscumbia, AL 35674
Phone: 383-4272

Conecuh
Conecuh County District Court
Small Claims Division
County Courthouse
Evergreen, AL 36401
Phone: 578-2066

Coosa
Coosa County District Court
Small Claims Division
County Courthouse
Rockford, AL 35136
Phone: 377-4988

Covington
Covington County District Court
Small Claims Division
County Courthouse
Andalusia, AL 36420
Phone: 222-4213

Crenshaw
Crenshaw County District Court
Small Claims Division
County Courthouse
Luverne, AL 36049
Phone: 335-3723

Cullman
Cullman County District Court
Small Claims Division
County Courthouse
Cullman, AL 35055
Phone: 739-3530

Dale
Dale County District Court
Small Claims Division
County Courthouse
Ozark, AL 36360
Phone: 774-5003

Dallas
Dallas County District Court
Small Claims Division
County Courthouse
Selma, AL 36701
Phone: 872-3461

DeKalb
DeKalb County District Court
Small Claims Division
County Courthouse
Fort Payne, AL 35967
Phone: 845-0541

Elmore
Elmore County District Court
Small Claims Division
County Courthouse
Wetumpka, AL 36092
Phone: 567-5241

Escambia
Escambia County District Court
Small Claims Division
County Courthouse
Brewton, AL 36426
Phone: 867-4815

Etowah
Etowah County District Court
Small Claims Division
County Courthouse
Gadsden, AL 35901
Phone: 546-2821

Fayette
Fayette County District Court
Small Claims Division
County Courthouse
Russellville, AL 35555
Phone: 932-4617

Franklin
Franklin County District Court
Small Claims Division
County Courthouse
Russellville, AL 35653
Phone: 332-3814

Geneva

Geneva County District Court
Small Claims Division
County Courthouse
Geneva, AL 36340
Phone: 684-2494

Greene

Greene County District Court
Small Claims Division
County Courthouse
Eutaw, AL 35462
Phone: 372-3598

Hale

Hale County District Court
Small Claims Division
County Courthouse
Greensboro, AL 36744
Phone: 624-6001

Henry

Henry County District Court
Small Claims Division
County Courthouse
Abbeville, AL 36310
Phone: 585-2753

Houston

Houston County District Court
Small Claims Division
County Courthouse
Dothan, AL 36301
Phone: 793-1114

Jackson

Jackson County District Court
Small Claims Division
County Courthouse
Scottsboro, AL 35768
Phone: 574-2231

Jefferson (Birmingham Division)

Jefferson County District Court
Small Claims Division
County Courthouse
Birmingham, AL 35203
Phone: 325-5360; 325-5335

Jefferson (Bessemer Division)

Jefferson County District Court
Small Claims Division
County Courthouse
Bessemer, AL 35030
Phone: 425-8321

Lamar

Lamar County District Court
Small Claims Division
County Courthouse
Vernon, AL 35592
Phone: 695-7274

Lauderdale

Lauderdale County District Court
Small Claims Division
County Courthouse
Florence, AL 35630
Phone: 766-5180

Lawrence

Lawrence County District Court
Small Claims Division
County Courthouse
Moulton, AL 35650
Phone: 974-0454

Lee

Lee County District Court
Small Claims Division
County Courthouse
Opelika, AL 36801
Phone: 745-4241

Limestone

Limestone County District Court
Small Claims Division
County Courthouse
Athens, AL 35611
Phone: 232-1262

Lowndes

Lowndes County District Court
Small Claims Division
County Courthouse
Hayneville, AL 36040
Phone: 548-2252

Macon

Macon County District Court
Small Claims Division
County Courthouse
Tuskegee, AL 36083
Phone: 727-3650

Madison

Madison County District Court
Small Claims Division
County Courthouse
Huntsville, AL 35801
Phone: 536-5911

Marengo

Marengo County District Court
Small Claims Division
County Courthouse
Linden, AL 36748
Phone: 295-8709

Marion

Marion County District Court
Small Claims Division
County Courthouse
Hamilton, AL 35570
Phone: 921-3593

Marshall (Albertville Division)
Marshall County District Court
Small Claims Division
County Courthouse
Albertville, AL 35950
Phone: 878-4521

Marshall (Guntersville Division)
Marshall County District Court
Small Claims Division
County Courthouse
Guntersville, AL 35950
Phone: 582-3431

Mobile

Mobile County District Court
Small Claims Division
County Courthouse
Mobile, AL 36602
Phone: 690-8512

Monroe

Monroe County District Court
Small Claims Division
County Courthouse
Monroeville, AL 36460
Phone: 743-2283

Montgomery

Montgomery County District Court
Small Claims Division
County Courthouse
Montgomery, AL 36104
Phone: 832-4950

Morgan

Morgan County District Court
Small Claims Division
County Courthouse
Decatur, AL 35601
Phone: 350-9600

Perry

Perry County District Court
Small Claims Division
County Courthouse
Marion, AL 36756
Phone: 683-6106

Pickens

Pickens County District Court
Small Claims Division
County Courthouse
Carrollton, AL 34557
Phone: 367-8131

Pike

Pike County District Court
Small Claims Division
County Courthouse
Troy, AL 36081
Phone: 566-4622

Randolph

Randolph County District Court
Small Claims Division
County Courthouse
Wedowee, AL 36278
Phone: 357-4551

Russell

Russell County District Court
Small Claims Division
County Courthouse
Phenix, AL 36867
Phone: 298-0516

Shelby

Shelby County District Court
Small Claims Division
County Courthouse
Columbiana, AL 35051
Phone: 669-6704

St. Clair (Ashville Division)

St. Clair County District Court
Small Claims Division
County Courthouse
Ashville, AL 35953
Phone: 594-3641

St. Clair (Pell City Division)

St. Clair County District Court
Small Claims Division
County Courthouse
Pell City, AL 35125
Phone: 338-2511

Sumter

Sumter County District Court
Small Claims Division
County Courthouse
Livingston, AL 35470
Phone: 652-2291

Talladega (Sylacauga Division)
Talladega County District Court
Small Claims Division
County Courthouse
Sylacauga, AL 35150
Phone: 245-7628

Talladega (Talladega Division)
Talladega County District Court
Small Claims Division
County Courthouse
Talladega, AL 35160
Phone: 362-2112

Tallapoosa (Dadeville Division)
Tallapoosa County District Court
Small Claims Division
County Courthouse
Dadeville, AL 36853
Phone: 825-9231

Tallapoosa (Alexander City Division)
Tallapoosa County District Court
Small Claims Division
County Courthouse
Alexander City, AL 35010
Phone: 234-4361

Tuscaloosa

Tuscaloosa County District Court
Small Claims Division
County Courthouse
Tuscaloosa, AL 35401
Phone: 345-6262

Walker

Walker County District Court
Small Claims Division
County Courthouse
Jasper, AL 35501
Phone: 384-3404

Washington

Washington County District Court
Small Claims Division
County Courthouse
Chatom, AL 36518
Phone: 847-2727

Wilcox

Wilcox County District Court
Small Claims Division
County Courthouse
Camden, AL 36726
Phone: 682-9117

Winston

Winston County District Court
Small Claims Division
County Courthouse
Double Springs, AL 35553
Phone: 489-5533

**Prepared By
Administrative Office of Courts
817 South Court Street
Montgomery, Alabama 36130**

END