

Small Claims Division

Small Claims are civil claims for money damages only and may not exceed \$3,000.00. The Small Claims Court is designed to be a quick and inexpensive way of resolving civil claims, often without hiring an attorney, although any party may be represented by an attorney if they like.

Frequently asked questions

Is a Lawyer required for Individuals? No, it is not necessary to have a lawyer in small claims court. The procedures are simpler than in regular civil court and the hearings are more informal. However, anyone who wishes to have an attorney can do so.

What kind of case can be filed in a small claims court? A complaint that asks for money damages only, and up to \$3,000, exclusive of court costs. The court also accepts counterclaims for money damages up to \$3,000, exclusive of court costs.

Who can sue or be sued? Any person, company or organization can file a claim or have a claim filed against them. A person under eighteen years of age can sue or be sued through her or her parent or guardian. A person who brings the action is called the plaintiff, and the person against whom it is brought is called the defendant.

What does it cost? The filing fee for a small claims complaint with one defendant is \$50.00, and for each additional defendant there is an extra cost of \$5.00. The fees must be paid at the time you file. You may ask the court to require your opponent to pay court costs incurred by you in addition to the amount of the judgment itself.

What do I have to do to start a small claims action? You must file a complaint. You can use the form provided by the office of the Clerk of Court or [download the form here](#). You must have the following information:

- a. Full name and address of the defendant.
- b. This includes the correct legal name if you are suing a business. Only a corporation can be sued in the company's name. An unincorporated business such as a sole proprietorship or partnership must be sued in the personal name of the owner or partner, such as John Smith dba Smith's Car Service. The letters "dba" stand for "doing business as". If you are unsure whether a business is incorporated, contact the Ohio Secretary of State at its website which is located at <http://www.sos.state.oh.us/sos/>.
- c. Whether or not the defendant is on active military duty.

- d. A short, plain statement of your claim.

How do I know if I can file my claim in the Huron Municipal Court? The Court has jurisdiction if the transaction or incident on which the claim is based took place within its territorial jurisdiction, or if the defendant resides or is located within this jurisdiction. The jurisdiction of the Huron Municipal Court includes the city of Huron and Huron Township.

How do I prepare my claim? Write or type a short, plain statement of the claim on the small claims complaint form provided by the Clerk of Court. You may also [download the form here](#).

How do I serve the defendant? Your complaint will be sent to the defendant by certified mail by the clerk's office, unless otherwise directed. If the post office return indicates that the service is not perfected, you must make other arraignments to serve the defendant, depending upon the reason that the service is not good.
What happens next? Provided you have good service against the defendant, your case will be set for trial before a judge or magistrate.

What if I can't come on the day the trial is scheduled? As soon as possible, file a written request for a continuance of the date. Whether or not it is granted will depend upon the discretion of the court. The Court will rarely grant more than one continuance of the hearing.

What happens if the defendant files a counterclaim for more than \$3,000? In that case, the defendant should also file a motion asking to have the case transferred out of the small claims court to the regular civil docket.