

HARRISON COUNTY COURT

Harrison County Courthouse
100 West Market Street, Dept. 105
Cadiz, Ohio 43907-1132
(740) 942-8865

FILING A SMALL CLAIMS COMPLAINT (Chapter 1925 O.R.C.)

1. For a complete guide to filing in Small Claims Court, please see the following:
<http://www.ohiojudges.org>:
 - click on RESOURCES
 - click on CITIZENS GUIDE BROCHURES
 - click on SMALL CLAIMS COURT (BOOKLET)
2. The Small Claims Court is for the recovery of money only.
3. You do not need an attorney to file a small claims case; however, if you do not retain one, you assume ALL RESPONSIBILITY for the filing of your claim.
4. The small claims limit is \$6,000.00, exclusive of interest and costs.
5. The filing fee must be paid at time of filing:
 - \$50.00** for claim less than \$1,000.00
 - \$85.00** for claim \$1,000.00 to \$6,000.00
6. The Defendant must live in Harrison County, Ohio or the cause of action must have occurred in Harrison County, Ohio.
7. Please provide the complete names and addresses of all Defendants and:
 - Proof of your claim
 - Paid receipts
 - Written estimates of damages or loss
8. If filing against a business, it is suggested that you contact the Ohio Secretary of State's Office to verify the following:
 - Proper name of business
 - Proper name of the owner(s) of the business as registered with the Secretary of State's Office
 - Name of attorney or agent that represents the corporation
9. Filings are accepted Monday through Friday during regular business hours (excluding federal holidays). In order for the Clerks to allow sufficient time to assist in the preparation of your claim, please arrive by 4:00 p.m.
10. If filing a small claims complaint by mail:
 - Please sign complaint before a Notary Public
 - Provide two (2) additional copies of filings

- Enclose check or money order for filing fee
11. The Court will schedule a hearing no sooner than twenty (20) days and no later than 40 days from the date the complaint is filed. You will be required to be present at this hearing.
 12. If you and the Defendant reach an agreement for settlement prior to the date of hearing and you do not desire to proceed with the action, please submit written notification to the Court prior to the scheduled hearing date. You will receive a form requiring your signature to dismiss the action.
 13. If you have any witnesses, bring them to court at the time of the hearing. If you wish to subpoena a witness, do so at least 1 week prior to the hearing date. You must have the name and address of the witness and pay a \$6.00 witness fee for each person being subpoenaed.
 14. After the hearing, either party has the right to appeal to the Court of Appeals of the Seventh District. The appeal must be filed within 30 days of the date of the court entry along with \$15.00 filing fee.
 15. After you have been granted judgment, it is your responsibility to find out where the other party works, banks, or has assets in order for the court to assist you in how to go forward to collecting your money. **The Court does not collect the money for you.** If the defendant has little or no money or property, you will not be able to collect a thing.
 16. After you have received the full amount of judgment **you must** contact the court for a form for notice of satisfaction of judgment.

COLLECTING WHEN YOU WIN

As previously indicated, cases should not be filed against people who have no resources with which to pay, but what happens if you sue a solvent business or individual, and they simply will not pay. Here are a few of your options:

1. Attach the person's wages, if he or she works, and you know where they work;
2. Attach most types of bank accounts if you know where they bank;
3. Make a lien against real estate, if you know where the property is located.
4. Attach a particularly valuable object of personal property, such as an expensive car or boat to which the Defendant has enough ownership equity to cover the debt. Before you try and have personal property attached, be sure you understand what personal property is exempt from attachment under the debtor protection laws of your state. You should contact an attorney to proceed with the attachment.

**IN THE HARRISON COUNTY COURT
HARRISON COUNTY, OHIO**

NAME _____
Address _____

Phone _____

Plaintiff(s)

vs.

NAME _____
Address _____

Phone _____

Defendant(s)

Case No. _____

Judge T. Owen Beetham

**SMALL CLAIMS
COMPLAINT**

TO THE CLERK:

Please take notice that a claim is hereby filed against the above Defendant(s) and request that (he she they) be summoned to appear in Court to answer same.

STATEMENT OF CLAIM

_____ Account – Exhibit “A” Attached and made a part hereof
_____ Wages _____
_____ Other _____

Wherefore Plaintiff prays judgment against Defendant in the sum of \$ _____, plus interest from the _____ day of _____, 20____ at a rate of _____% and costs.

**STATE OF OHIO
COUNTY OF HARRISON**

_____, being first duly sworn, on oath states that (he she they) (is are) the Plaintiff(s) in the above entitled cause, that the said 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; Defendant(s) (is are) not now in the military or naval service of the United States.

Signature of Plaintiff

Subscribed and sworn to and before me this _____ day of _____, 20_____.

Clerk / Deputy Clerk / Notary