

SMALL CLAIMS PROCEDURES FOR WASHINGTON COUNTY

GENERAL INFORMATION

NOTE: E-Filing is now available. Please go to www.wicourts.gov/ecourts

1. If you've decided not to e-file, **fill out the Summons and Complaint**
2. **Make 1 copy for yourself and 2 copies for each defendant (generally 3 copies).** If you have more than one defendant, you will need to make additional copies for each defendant.
3. **Bring the original and all of the copies** to the Clerk of Courts office for a Court date and Case number to be assigned. If you are attaching anything to the original, you need to attach the same thing to all the copies. The copies must match the original exactly. You will be charged .25 cents a copy, plus tax, if the copies are made by the Clerk of Courts office.
4. The filing fee is \$94.50. Payment can be made with cash, check, or a credit/debit card. The latter will take a transaction fee of 3%.
5. After filing the papers with the Clerk of Courts office, copies are to be taken for service to the Sheriff's Department or Process Server. If Washington County Sheriff's Dept serves the Summons & Complaint, they will file the proof of service with the Clerk of Courts office. **If you have service by any other Sheriff's Department or a process server, you must make sure Affidavits of Service are on file prior to the court date.**
6. Plaintiff must appear for the hearing on Eviction or Replevin actions. *** See page 2 for service requirements for default money judgment in eviction proceedings.*
7. Plaintiff does not need to appear on the initial court date for straight money recovery actions. **NOTE: The Plaintiff may receive a text message advising of the initial court date, however the Plaintiff's appearance is not required at the initial hearing only for straight money recovery actions.**
8. If the case is contested – the defendant(s) deny owing the money or otherwise contest the complaint - the court will mail all of the parties a notice of a scheduling conference or trial date and time.
9. If a judgment is granted on the initial court date, Notice of Entry of the judgment will be sent to all of the parties, once proof of service and the Declaration of Non-Military Service are filed with the Clerk of Courts office. **It will be the plaintiff's responsibility to contact the Clerk of Courts office and find out the results of the initial court appearance (phone 262-365-5133.)** Costs incurred for filing and serving will be added on to the judgment amount that is requested. Provide copies of invoices for any service fees not done by the Washington County Sheriff's Office, or if the Washington County Sheriff wasn't able to serve the defendant(s).

If you have questions, you may call the 24 hour voice mail at 262-335-4349 or if you have a specific question regarding your case, you may call the Small Claims Department at 262-365-5133.

The Wisconsin Guide to Small Claims court is also available on line at www.wicourts.gov/about/pubs/circuit/smallclaimsguide.htm.

SERVICE REQUIREMENTS FOR DEFAULT MONEY JUDGMENT IN EVICION ACTION

If the defendant(s) does not appear at the eviction hearing, personal service or proof of service by publication* must be filed with the court if you will be seeking a money judgment for back rent, expenses and/or damages after the defendant has vacated the property. Such service must be accomplished **within 90 days of the date the case was filed**, or any claim for money judgment may be dismissed.

If the defendant was served by posting for the eviction portion of the case, you will need to contact the Clerk of Courts office to obtain a Return Date for publication on the money portion of the case.

Once you obtain a Return Date:

1. Complete a Publication Summons and Notice (form SC-5160V)
2. File the original Publication Summons and Notice with the court
3. Mail a copy of the original Summons and Complaint **and** a copy of the Publication Summons and Notice to the defendant(s)
4. Complete an Affidavit of Mailing (form SC-5130V) and file with the court
5. Provide a copy of the Publication Summons and Notice to the newspaper for publication
6. File the Affidavit of Publication (provided to you by the newspaper) with the court. Please provide a copy of the invoice from the newspaper, if the Affidavit of Publication doesn't indicate the cost.

If the above steps have been accurately completed, a default judgment may be entered against the defendant(s) in your favor if the defendant(s) fails to appear or file an answer regarding the back rents and damages claims.

*A certificate of non-service or a certificate of service by posting, must be filed with the Clerk of Courts, prior to pursuing service by publication.