

PROCEDURES FOR FILING A SMALL CLAIMS SUIT JASPER COUNTY

Hardeeville

21 Martin Street

P.O. Box 1169

Hardeeville, SC 29927

(843) 784-2628

Ridgeland

967 West Adams Street

P.O. Box 1169

Ridgeland, SC 29936

(843) 726-7933

OFFICE HOURS: 8:00 AM – 4:00 PM

MONDAY – FRIDAY

JURISDICTION: Magistrate's Court has a jurisdictional limit of \$7,500.00 or less.

FILING: The filing fee is \$80.00, which includes a \$10.00 service fee. Please provide the Court with an accurate address for the defendant. You may also provide us with a work address for service.

VENUE: The Defendant(s), the person being sued, must be a resident of Jasper County located in the jurisdiction of the Jasper County magistrate. A business generally must be located in Jasper County.

COMPLAINT: All small claims actions should be filled out on the standard forms provided by the Court unless filed by an attorney. **COURT CLERKS ARE NOT PERMITTED TO GIVE LEGAL ADVICE OR EVALUATE YOUR CASE.** Claims submitted to the Court must be legible, explain why the complaint is being filed, and must include verification of whatever transactions exist between parties.

SUMMONS: After filing the complaint with the appropriate fees, the Magistrate Court will issue a Summons with instructions to the Defendant(s), requiring the Defendant(s) to file a written Answer on forms provided by the Court within thirty (30) days after service of the Complaint.

ANSWER: If the Defendant(s) fails to file an Answer to the Complaint within thirty (30) days of service, the Complaint and facts therein are admitted as true. Once the answer is filed with the Court, a copy is mailed to the Plaintiff(s). If indicated, a court date will also be mailed to both parties.

COUNTERCLAIMS: There is no fee to file a Counterclaim. The Counterclaim will be mailed to the Plaintiff(s) with a Counterclaim Answer Form and instructions.

DEFAULTS: If the Defendant(s) does not answer the Complaint within the thirty (30) day period, the Plaintiff(s) may receive a Default of Judgment. A Default Hearing will be held after the thirty (30) day answer period has ended. A Default Judgment may be awarded at that time.

TRIAL IN ABSENCE: If the Plaintiff(s) does not appear on the day of trial, the action is usually dismissed. If the Defendant(s) does not appear on the day of trial, the Plaintiff(s) may proceed with testimony and a judgment may be issued. Either party may request the case to be reopened in writing to the Court with good cause proven within ten (10) days of the trial date.

SUBPOENAS: A WRITTEN, NOTARIZED, OUT OF COURT STATEMENT FROM A WITNESS CANNOT BE USED AS EVIDENCE. A WITNESS MUST APPEAR IN PERSON IN COURT TO TESTIFY. Any party may subpoena a witness by paying a Subpoena Fee of \$8.00 to the Court. The Witness Fee is \$25.00 per witness. Witness fees should be paid in the form of a money order to be presented to the witness on the trial date by the party that is subpoenaing the witness. Submit this information to the Court two (2) weeks prior to the assigned court date.

SERVICE: The Summons is served by the Jasper County Sheriff's Office. Questions regarding service should be directed to the Sheriff's Civil Department by contacting (843) 726-7777. The Court will send a notice of non-service when a Complaint is returned, which requires the Plaintiff(s) to submit a new address within thirty (30) days from the date of the letter; otherwise, the case will be dismissed.

APPEALS: An appeal must be filed in writing within thirty (30) days from the notice of judgment. There is a filing fee, and it must be filed with the Clerk of Court's office. The notice of appeal must be personally served on this court and on the opposing party.

JUDGMENTS: If the Court issues a written judgment in the action, upon payment, the non-prevailing party is obligated to file a Satisfaction of Judgment with the Court. If the judgment is unpaid, the prevailing party may request a Transcript of Judgment and an Execution against Property, which may be filed with the Jasper County Clerk of Court's Office and the Jasper County Sheriff's Office respectively. The recorded judgment will remain valid and enforceable for a period of ten (10) years.

JURY TRIAL: Either party has the right to request a Jury Trial. This request must be made at least five (5) days prior to the court date.

BUSINESSES: If you are representing the business of a Plaintiff or Defendant and are not an attorney, the authority of that business must file a Non-Lawyer Representation Form. This form must be filed along with the Complaint or Answer.

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF JASPER)
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)
 _____)
 PLAINTIFF)
)
 _____)
 STREET ADDRESS)
)
 _____)
 CITY, STATE ZIP)
)
 _____)
 TELEPHONE)
)
 VS.)
)
 _____)
 DEFENDANT(S))
)
 _____)
 STREET ADDRESS)
)
 _____)
 CITY, STATE ZIP)
)
 _____)
 TELEPHONE)

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

COMPLAINT

I, _____, the plaintiff in this civil action do make the following claims:

1. I believe the defendant, _____, is a resident of Jasper County, and resides at _____ which is within the Jasper County Judge's magisterial jurisdiction or this Complaint is properly filed in Jasper County.

2. I make this complaint on the following:

(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ _____ and/or other relief as below requested:

including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Dated: _____

 Signature of Plaintiff (or his attorney)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 PLAINTIFF(S))
)
 VS.)
)
 _____)
 DEFENDANT(S))

 CIVIL CASE NUMBER
 IN THE MAGISTRATE'S COURT
 AFFIDAVIT AND ITEMIZATION
 OF ACCOUNTS

Plaintiff, _____, personally appearing before me, who, being duly sworn, states that he is the plaintiff in this action, and that the itemization of accounts which follows is true and correct.

He further states that no part of the sum included in the itemization below has been paid or satisfied in any fashion, and is today due and owed to him.

ITEMIZATION OF ACCOUNTS

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

(Copies of bills, papers or other proof of any of the above accounts should be attached to this document.)

Sworn to and Subscribed before me)
 this _____ day of _____, 2____.)
)
 _____)
 Magistrate or Notary Public for South Carolina)
)
 My Commission expires _____)

 PLAINTIFF (or his attorney)

