

INSTRUCTIONS FOR FILING A CIVIL SUIT (SMALL CLAIMS ACTION)

(Please Read Carefully)

1. We **MUST** have the Plaintiff's (the individual(s) bringing the lawsuit) name, mailing address and telephone number.
2. We **MUST** have the Defendant(s)'s (the individual/business being sued) name and physical address. We **WILL NOT** accept a post office box as an address.
3. It is the Plaintiff's responsibility to find the Defendant's address, the Court cannot and will not assist the Plaintiff in locating the Defendant. Please make sure the address is in **PICKENS** County before filing.
4. Complete the Attached Form including monies being sought, the court cost if requesting the Defendant be responsible for that sum and give a brief and accurate description of the claim.
5. The Filing **MUST** be verified by a signature, dated, and notarized; or if filing in person, must be sworn to and verified by a Judge, Clerk, or Deputy Clerk.
6. **\$106.00** is due at the time of filing. There is an additional cost of **\$50.00** for each person being sued, i.e., if the Plaintiff is suing 2 people, it would be **\$156.00** to file.
7. A Civil Suit **MUST** be personally or notoriously served by the Sheriff's Office. Our office will mail you a copy of the Sheriff's service once received, but you're welcome to call our office to inquire if service has been completed.
8. The Defendant(s) will have **thirty (30) days** after service to file an answer before the case goes into Default. However, the Defendant has an additional **fifteen (15) days** to open the default by filing an answer and paying all court costs. No Answer may be filed after forty-five (45) days.
9. A Default Judgment **WILL NOT** be issued automatically. The Plaintiff may request a Default Judgment in writing supported by the appropriate documents after forty-five days, provided no answer was filed by the Defendant. Our website provides the form needed under the Magistrate Court Civil Forms tab, www.pickenscourts.org.
10. If an answer is filed by the Defendant, the Court will schedule a hearing date, a copy of the answer and hearing notice will be mailed to the address provided at the time of filing.
11. Should the Plaintiff no longer wish to proceed with the suit for any reason, a written request to dismiss the case will need to be submitted to our Office.
12. Employees of the Magistrate Court of Pickens County, including Judges themselves, are prohibited by law from providing legal advice (**legal advice includes defining terms**) at any time during your contact with the Court. If you have questions about your legal rights, legal remedies available to you, what legal documents to file, or how to present evidence at a hearing, you **must** contact an attorney or conduct research on your own.
13. For Frequently Asked Questions (FAQ) about a civil suit, please refer to our website, www.pickenscourts.org.

Pickens County Magistrate Court
50 North Main Street
Jasper, GA 30143
(706) 253-8747

IN THE MAGISTRATE COURT OF PICKENS COUNTY
STATE OF GEORGIA

Clerk, Magistrate Court of Pickens County
50 North Main Street Jasper, Georgia 30143

Civil Action # 20 _____ MCV _____

Plaintiff(s) Name, Address

-vs-

STATEMENT OF CLAIM

Defendant(s) Name, Address & Daytime Telephone #, if known; Or evening #.

Suit on Note Suit on Account Other _____
1. The Court has jurisdiction over the defendant(s) the Defendant(s) is a resident of Pickens County; Other (please specify)

2. Plaintiff(s) claims the Defendant(s) is indebted to the Plaintiff(s) as follows (You must include a brief statement giving reasonable notice of the basis for each claim contained in the Statement of Claim):

3. That said claim is in the amount of \$ _____ as principal, \$ _____ as pre-trial interest, plus \$ _____ as court costs to date, \$ _____ as attorney fees and all future costs of this suit.

State of Georgia, Pickens County:

_____ being duly sworn on oath says the foregoing is a just and true statement the amount owing by defendant(s) to plaintiff(s), exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this

_____ day of _____ 20 _____

Plaintiff(s) or Agent

(If Agent-Title or Capacity)

Notary Public/Attesting Official

Day Time Phone Number

NOTICE AND SUMMONS

TO: All Defendant(s): You are hereby notified that the above-named plaintiff has made a claim and is requesting judgment against you in the sum shown by the foregoing statement. **YOU ARE REQUIRED TO FILE OR PRESENT AN ANSWER TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU.** IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE, BUT ONLY IN OPEN COURT IN PERSON WITHIN THE 30 DAY PERIOD. **NO TELEPHONE ANSWERS ARE PERMITTED.** The court will hold a hearing upon this claim at the Pickens County Courthouse, 50 North Main Street, Jasper, Georgia, at a time to be set after your answer is filed. You may come with or without an attorney. If you have witnesses, books, receipts or other writings bearing on this claim, you should bring them with you at the time of the hearing. If you wish to have witnesses subpoenaed, see the court at once for assistance. If you have a claim against the plaintiff, you should notify the court and file a written answer and counterclaim immediately. If you admit the claim but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

This _____ day of _____, 20 _____

Judge / Clerk / Deputy Clerk