

## VAN WERT MUNICIPAL COURT – SMALL CLAIMS PROCEDURE

1. Small claims is limited to civil actions for recovery of money only. Typical cases involve suits for the return of security deposits, payment of back rent, repayment of loans, recovery of amounts paid for services never rendered or not rendered to satisfaction. The Small Claims Court does not have jurisdiction over actions for libel, slander, malicious prosecution or recovery of property.
2. The party who files the complaint is the plaintiff. The party against whom the action is filed is the defendant.
3. The transaction must have taken place in Van Wert County or the defendant must be a Van Wert County resident.
4. You must provide the address of the party you are filing against. The court must have service of the claim to proceed.
5. The amount claimed may not exceed \$6,000.00 and you may not separate your claim into multiple suits.
6. \$110.00 filing fee for 1 or 2 defendants and an additional \$30 filing fee for each additional defendant.
7. A claim must be proven by a preponderance of the evidence. You must file any evidence to establish damages.
8. Parties may subpoena witnesses at an additional \$6.00 subpoena cost and must be filed with the Court at least one week prior to the hearing. Parties may bring additional witnesses and exhibit to the hearing. You must provide three copies of any exhibits that are brought to Court the day of the hearing.
9. The hearing will be in about 40 days from the filing date.
10. If you settle your claim before the Court date, you must inform the Court and additional paperwork is required for dismissal.
11. Parties must be specifically and correctly identified, such as “Inc., Co., or D.B.A. for business.
12. The Deputies of the Clerk’s office are not attorneys and it is not part of their job, or are they allowed, to give legal advice. If you could benefit from legal advice, you must contact an attorney.
13. It is the responsibility of the winning party to initiate any steps to collect judgment. The Clerk’s office has the necessary paperwork available for garnishment.
14. You must provide the original and two copies of any exhibits that you wish to be a part of the hearing.

**SMALL CLAIM COMPLAINT  
VAN WERT MUNICIPAL COURT  
VAN WERT COUNTY, OHIO**

\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )

**Address Phone Number**  
**Email:** \_\_\_\_\_

**PLAINTIFF(s),** \_\_\_\_\_ )  
vs. \_\_\_\_\_ )

**CASE NO.** \_\_\_\_\_

\_\_\_\_\_) )  
\_\_\_\_\_) )

**Address Phone Number**  
**Email:** \_\_\_\_\_

**DEFENDANT(S).**

**TO THE CLERK:**

Please take notice that a claim is hereby filed against the above defendant(s) and request that they be summoned to appear to 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 \_\_\_\_\_, \_\_\_\_\_, at the rate of \_\_\_\_\_% and costs.

STATE OF OHIO )  
COUNTY OF VAN WERT )

**AFFIDAVIT OF COMPLAINANT'S CLAIM**

\_\_\_\_\_, being first duly sworn, on oath states that he/she is 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 in the amount stated above; defendant(s) is/are not now in the military or naval service of the United States.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Deputy Clerk, Notary Public

**NOTICE AND SUMMONS IN ACTION FOR MONEY ONLY**

To: (a) \_\_\_\_\_ (2) \_\_\_\_\_  
Defendant Defendant  
\_\_\_\_\_  
Address Address

\_\_\_\_\_ Ask(s) judgment in this court against you for \_\_\_\_\_ dollars (\$ \_\_\_\_\_), plus interest from the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at the rate of \_\_\_\_\_% and costs, upon the following claim: \_\_\_\_\_

The Court will hold trial on this claim in the Small Claims Division located at 102 East Main Street, Van Wert, Ohio on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ .M.

If you do not appear at the trial, judgment may be entered against you by default, and your earnings may be subjected to garnishment or your property may be attached to satisfy said judgment. If your defense is supported by witnesses, account books, receipts, or other documents, you must produce them at the trial. Subpoenas for witnesses, if requested by a party, will be issued by the clerk.

If you admit the claim but desire time to pay, you may make such a request at the trial. IF YOU BELIEVE YOU HAVE A CLAIM AGAINST THE PLAINTIFF, YOU MUST FILE A COUNTERCLAIM WITH THE COURT AND MUST SERVE THE PLAINTIFF AND ALL OTHER PARTIES WITH A COPY OF THE COUNTERCLAIM AT LEAST SEVEN DAYS PRIOR TO THE DATE OF THE TRIAL OF THE PLAINTIFF'S CLAIM.

\_\_\_\_\_  
Clerk – Deputy Clerk Small Claims Division