Circuit Court of Johnson County
620 W. Fetterman, Suite 108 Buffalo, WY 82834
PH. 307-684-5720
FX. 307-684-7308

SMALL CLAIMS PROCEDURES

PLEASE READ BEFORE FILING!!

Any case in which the amount in controversy **does not exceed $6,000.00** may be filed in Small Claims Court. The rules and procedures in Small Claims Court are simplified to make it easier for litigants to represent themselves. The parties may hire lawyers at their own expense.

***PURSUANT TO Wyoming Rules Governing Small Claims cases - Rule 4- A defendant in a small claims action may only be sued in the county in which the defendant has an address.**

The person who files the case is called the Plaintiff; the person whom the case is filed against is called the Defendant. The Plaintiff has the burden of proving the case by preponderance of the evidence.

Filing the Case

***Before you file the claim, you must make a written or oral demand on the defendant(s)*.** The Plaintiff opens a Small Claims case by filing a Small Claims Affidavit form, which is a sworn statement as to the basic claim information. The clerks of the Circuit Court will provide the form or you may download the affidavit at *http://www.courts.state.wy.us/Documents/Forms/CC/CCBUF/Small_Claims_Affidavit.pdf*. The Plaintiff must have a notary witness signature on the Affidavit prior to filing or witnessed by a clerk in the Circuit Court. The form must be filled out completely. **The clerks are not attorneys, and cannot give legal advice**. In addition to the claim information, the Plaintiff must include on the Affidavit both the Plaintiff's and Defendant's name, physical address, and telephone number. **Any attachments may be brought to the Court at the time of the trial.**

Filing Fees and Costs

At the time the Affidavit is filed, the Plaintiff must pay the Johnson County Circuit Court a **filing fee of $10.00.** A separate fee of **$35.00 per person** to the Johnson County Sheriff is also required at the time of filing. These fees should not be included in the amount requested; the Judge will add these to the Judgment, if granted. A Plaintiff may hire a private process server and the Court has a list of process servers who work in this area. If a local process server is chosen, then the Plaintiff must also fill out a Request for Appointment to serve. The Sheriff's office accepts personal checks, money orders, bank cashier's checks, or exact cash. If you require a receipt, you must pay the Sheriff's office directly.

Trial Procedures

The Court date is set by the clerk and you will receive a copy of the Affidavit and the Summons by mail. The date for your court hearing will appear on the copy of the Summons. **NOTE: It is the responsibility of the Plaintiff to contact the Sheriff's Office at 307-684-5581 (ask for civil process) or the Process Server, prior to the trial, to find out if the Defendant has been served.** Both parties must bring all of their evidence and witnesses to the trial**. Any paperwork used as evidence needs to have 3 copies.** If full payment is received before the court date, the Plaintiff must contact the Court and a Dismissal must be filed.

The trial of a Small Claims case is more informal than the trial of most cases. If your case involves difficult technical legal problems, you may want to seek the advice of an attorney. At the beginning of the case, the Judge will administer an oath to all persons who are going to testify. The Plaintiff will then be given an opportunity to state their view of the facts in the case and show the Judge any evidence such as documents, pictures, records, estimates and bills, and have any witnesses testify for him/her. When the Plaintiff has finished presenting their side of the case, the Defendant may present their side of the case in the same manner. You may bring witnesses to the trial to help prove your case and you can require them to appear with a subpoena.

Judgment and Appeal

After hearing all of the evidence, the Judge will make a decision and a Judgment will be issued with a copy to both parties. Either party has the right to appeal the Judgment to the District Court within 30 days after it is entered. To begin the appeal process, the party needs to check with the Clerk's Office for further instructions.

Collecting the Judgment

The party who has the Judgment may garnish wages, bank accounts, or execute upon personal property. The forms are available from the Court Office. Each garnishment must be served by either a process server, sheriff's office or by certified mail. The exception is a bank garnishment which must be served.

Satisfaction of Judgment

All payments received toward a Judgment may be made directly to the Circuit Court of Johnson County, either by garnishment or by the defendant. **If the Plaintiff receives payment directly from the Defendant, then the Plaintiff must advise the Court of such, in writing, immediately. When full payment is made, a Release and Satisfaction of Judgment must be signed by the Plaintiff. Failure to do so is a violation of W.S. 1-21-402.**

If you have any further questions about the procedures in Small Claims Court, please call the Circuit Court at 307-684-5720. **The clerk cannot provide legal advice. If you need assistance, please contact an attorney**.

Legal Aid of Wyoming, Inc. 877-432-9955 www.legalhelpwy.org/
Wyoming State Bar 307-632-9061 www.wyomingbar.org