

Instructions for Completion and Submission of:

Summons and Complaint Small Claims SC-500

(There is a \$94.50 Filing Fee, plus service fees, see instructions below)

The Small Claims limit is \$10,000.00 for some actions, including money judgments, replevins, attachments and garnishments. The Small Claims limit remains at \$5,000.00 for personal injury, tort, and third-party complaints.

Procedure Checklist

- Complete** FORM SC-500
 - **Complete the form** by providing the following information:
 - Plaintiff(s)/Defendant(s) name and address
 - Check box for Class Code (under case number)
 - #1 - Check Claim type
 - #2 – Write a brief statement of dates and facts.
 - Check box if additional information is attached. Provide copies for each defendant.
 - Check box if you are the plaintiff or the attorney for plaintiff
 - Write your daytime phone number in the box for Telephone Number
 - Make** copies of the document and attachments (if any) **for each defendant** and yourself
 - Bring** the following items to the Clerk of Court's office for filing during regular courthouse hours:
 1. Original and copies (or Original Amended and copies)
 2. Filing fee of \$94.50
 3. Service fee, if appropriate (see below for details)
 4. A self addressed stamped envelope with sufficient postage to return your documents, an additional fee can be paid to cover the cost of mailing (The Clerk's office is unable to open cases immediately, so a self addressed stamped envelope or additional mail fee is needed to return your copies.) Call for current return postage/envelope rate.
- Payments may be made by cash, check, money order, or debit/credit card (additional fee for using debit/credit card) payable to Clerk of Courts. The clerk will file stamp all copies, keep the original, and return the copies to you (one for service on each defendant(s)/debtor(s) and one for your records) or if you have chosen mail service as your service option the defendant's copy will be mailed to them by the court (see fees and restrictions below).
- **Service Fees:**
 - Mail service fee \$2.00 **per** defendant or if by
 - Certified mail service fee \$8.00 **per** defendant
 - **Service Restrictions:**
 - If the defendant lives out of county, there must be personal service
 - Evictions are limited to personal service
 - Replevin cases are limited to certified mail or personal service. See [SC-6050](#) for service information
- You should IMMEDIATELY have papers served** on the opposing party
 - If you have chosen or are required to have the other party personally served with these papers, then you will need to **file a Proof of Service** document with the Clerk of Courts **as soon as possible**. For information on service options and "Proof of Service" see Basic Steps for Service form [SC-6050](#). If utilizing the Eau Claire County Sheriff for Service, they will require you to provide them with an additional copy.
 - File Proof of Service** document with Clerk of Courts
 - Complete** form GF-175 **Declaration of Non-Military Service** for each defendant and file with Clerk of Courts

- Evictions Claim Notice: To aid in processing**, please consider including the following:
 - State in the complaint that you are the owner of said property
 - The action should be signed by the owner/attorney
 - Include with the action a copy of the rental lease and the notice to vacate with proof of service.

- Replevin Claim Notice: To aid in processing**, please consider the following:
 - Include a copy of the loan or rental agreement and the notice of right to cure.

- Attend the initial return date**
 - Please refer to the box titled “Place to Appear” on your Summons for the location, date and time of your hearing.
 - This date requires a **mandatory** appearance by the plaintiff or plaintiff’s attorney due to mandatory mediation, provided through TRY Mediation, which will take place should the defendant appear and is contesting this complaint.
 - If the defendant does not appear a default judgment may be granted. A judgment will not be granted until **Proof of Service**, if required, and **Declaration of Non-Military Service** are on file with the Clerk of Courts.
 - This mediation service is utilized at the **initial return date** for **contested** small claims actions handled through the Eau Claire County Courts. Local court rules state that “all contested small claims actions shall undergo mediation before being scheduled for trial.”

 - **Note to Plaintiff:** Do not ignore your return date. If you need to file an **AMENDED Summons** because of non-service on the defendant, notify the court in **writing** before your court date. Non-appearance at the return date may cause the case to be dismissed. A motion to reopen will be required to be filed and a non-refundable \$50 fee may be Ordered to reopen the case.

Legal Research guides

- Websites, resources and phone numbers that may assist you with questions
 - www.wicourts.gov
 - <http://legis.wisconsin.gov>
 - <http://datcp.wi.gov/consumer/wisconsinway/> (landlord/tenant handbook) and Consumer Protection
 - 1-800-362-9082 Lawyer Referral & Information Service
 - Free Legal Clinic at the L.E. Phillips Public Library the 3rd Wed of every month from 6:30 pm to 8:00 pm

Court staff may not provide legal advice or recommend a specific course of action for an individual. Our office does provide some forms, written instructions and common, routinely employed court procedures to assist court users. Court staff shall remain impartial and may not provide or withhold assistance for the purpose of giving one party an advantage over another. It is advised that an individual seek the assistance of an attorney for more comprehensive and individualized assistance. (Supreme Court Rule 70.41)

All numbered forms referenced can be found at www.wicourts.gov under forms→circuit court→small claims →view all small claims forms

See the Clerk of Courts website for further information at: <http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>