

GENERAL INSTRUCTIONS FOR SMALL CLAIMS

Our forms are designed to address the most common claims. They are not designed for a specific case. Neither the judge nor staff is allowed to give legal advice or assist in completing the forms. If you need more detailed assistance, you should consult an attorney. The forms are available at our office, located at 26 South B Street, Second Floor, Virginia City, Nevada, or on our county's website at storeycounty.org

In order to file a case in the Justice Court of Virginia Township, the Defendant (the person you are filing the case against) must:

Reside, work, or do business in Storey County at the time the cause of action arose or at the time the complaint is filed.

If the case involves injury to person or property, the case must be filed in the township where the injury was committed. *(The Virginia Township Justice Court serves the entire county.)*

In a case involving a person who has contracted to perform an obligation at, or relating to, a particular place, the case must be filed in the township in which the obligation is or was to be performed. *(The Virginia Township Justice Court serves the entire county.)*

A party cannot sue in Small Claims court for more than \$10,000.00, excluding interest and costs.

While attorneys are allowed to appear on behalf of the parties in small claims proceedings, with very few exceptions, attorney fees may not be awarded by the court.

FILING A SMALL CLAIMS CASE
IN THE VIRGINIA TOWNSHIP JUSTICE COURT

If you are the one filing the case, you are the PLAINTIFF. The person you are filing against is the DEFENDANT.

DEMAND LETTER

Before filing a Small Claims case with our court, you must first serve a Demand Letter with return receipt requested to the Defendant. The Demand Letter must notify the defendant that the Plaintiff will file a Small Claims case against the defendant if he/she doesn't pay the amount due within 10 days of the date that the letter is sent.

Wait at least 10 days from the date the Demand Letter is sent before filing a Small Claims case against the defendant.

FILING THE SMALL CLAIMS AFFIDAVIT OF COMPLAINT WITH THE COURT

When filing a Small Claims Affidavit of Complaint with our court, the complete name and address of the parties must be in the caption to ensure service on the defendant. If there is more than one defendant, or they reside at different addresses, all names and addresses must be included.

The following documents must be filed with our court when filing a Small Claims case:

1. Small Claims Affidavit of Complaint;
2. Copy of Demand Letter along with the signed return receipt (as proof of mailing);
3. Personal Information Affirmation;
4. Civil Cover Sheet

It's important to prepare at least two copies of the above documents to our court. You will be charged a fee for any copies prepared by the clerk.

Be prepared to pay a filing fee. Our filing fees are posted in our office and on our website at storeycounty.org.

HEARING DATE SET

The clerk will set a hearing date. The date will be approximately 30 days, but no later than 90 days, after filing.

When filing your complaint with our court, the clerk will return the Proof of Service form to you. It's your responsibility to have the Small Claims Affidavit of Complaint promptly served on the defendant. Service can be accomplished by a licensed private process server, a disinterested third party, or the sheriff. One party may not personally serve the other party.

The completed Proof of Service form must be filed with our court. It's your responsibility to make sure our court receives the Proof of Service. If the judge is not satisfied that the defendant was properly served, your case could be continued or even dismissed.

What happens next?

You must show up for your scheduled hearing. If the defendant does not show up, you still need to be present at the hearing to state your case. The judge may issue a Default Judgment. If you, the Plaintiff, do not show up, the case will be dismissed.

The defendant may choose to reply to your complaint. This could be in the way of a MOTION TO DISMISS or even a COUNTERCLAIM. The counterclaim will become part of the same case.

PREPARE FOR THE HEARING

Small Claims hearings are informal and are designed to promote fair and speedy justice. Parties may offer documents, pictures, statements, etc., and witnesses to support their arguments.

Documents, photographs and videos: If you plan to refer to documents, photographs, or video at the hearing, you must have one set for you, the other party, and the court. You must make copies of text messages or emails. Contact the court prior to the hearing date to ensure that your video format will operate with our system.

Witnesses: Subpoena forms are available on our website or at our office. A court clerk will sign the subpoena once you have filled it out. You must arrange to have the original subpoena served on your witness. Keep at least one copy of the subpoena. On one of the copies, the declaration must be filled out by the person who served the subpoena on the witness. After the declaration has been completed, file the subpoena and declaration with our Court.

At the close of the hearing, the judge will make a decision. You will receive a copy. You have the right to appeal the decision to the First Judicial District Court. You must file your appeal within five (5) court business days of the entry of judgment.