

FREQUENTLY ASKED QUESTIONS REGARDING SMALL CLAIMS

1. What do I need to have to file in Small Claims?

- a. Need to have proof that money is owed to you. Attach 1 copy for the Court and 1 copy for each defendant you are filing against. Examples of proof: receipts, invoices, estimates, statements, etc...anything that you have to prove the money is owed to you.
- b. Must have a good address on the party you are taking to court.
- c. The filing fee is \$80.00 for 1 defendant. Each additional defendant on same case is an additional \$15.00.

2. Are witnesses allowed in Court?

Yes. If you need to subpoena a witness in Allen County the fee is \$25.00 per witness. And the subpoena must be filed 7 days prior to the court date.

3. Who will be hearing my case?

Magistrate David A. Cheney

4. When and where are the hearings held?

Wednesdays at 9:00 A.M. in Courtroom 3. 109 N. Union St. Lima, Ohio

5. Do I need to be present in Court?

- a. Yes. The Plaintiff is required to attend the hearing. If you fail to appear it is likely your case would be dismissed and you would have to re-file.
- b. The defendant is not required to appear.

6. How do I collect the money if I win the judgment?

- a. You will need to do a wage garnishment or a bank garnishment.
- b. If you filed against an individual, you can do a wage or bank garnishment.
- c. If you filed against a company or an individual who is self employed you will need to file a bank garnishment.
- d. The fee for a wage garnishment is \$100.00 and the fee for a bank garnishment is \$50.00 plus a \$1.00 check to the bank.

7. What if I don't know where they work or bank?

In Small Claims you act as your own attorney, so finding out the information is the responsibility of the Plaintiff. The Court does not find

this information for you, as we are not a collection agency. You may turn your case over to an attorney at any time for collection.

8. What is the maximum amount that can be filed in Small Claims?

The maximum amount is \$3,000.00

9. What if I'm unsure of where to file the claim?

You may file in Lima Municipal Court if the Defendant resides in Allen County. Or if the transaction took place in Allen County.

10. How long does it take to go to court once I file my claim?

It takes approximately 4-6 weeks to go to Court.

The defendant must be served in order for the case to be heard in court. You will be notified if the defendant is *not* served. Once you receive this "no service" your court date will be cancelled. You will be required to fill out this no service and return it back to the court with your new request for service and the correct filing fee. If your claim is returned "unclaimed" or "refused", you may have it sent by ordinary mail. If it is returned, "moved", "attempted not known" or "forwarding order expired", etc. you will need to have a new address and it must be sent by certified mail or personal service.

11. What happens if they pay their claim before it goes to court?

You may file a Dismissal prior to your hearing date. Or if you do not appear your case will be dismissed in court.

12. When can I file my claim?

Our hours of operation are Monday-Friday from 8am to 5pm

**THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL
ADVICE, AS WE ARE NOT ATTORNEYS. THIS INFORMATION IS
ONLY A GUIDE IN FILING A SMALL CLAIMS IN LIMA
MUNICIPAL COURT. IF YOU NEED LEGAL ADVICE PLEASE
CONTACT AN ATTORNEY.**

Our forms can be found on our website. www.limamunicipalcourt.org. If you are out of town, please use the “out of town form.” If you are local please use the “in town forms.”