

Cobleskill Town Court ~ Small Claims Proceedings

Important: The person against whom you wish to file a small claim must either: **live in, work in, or have a place of business in the town of Cobleskill.**

When completing the enclosed form, please refer to the numbers indicated below.

- (1) Your name and address in the upper right hand corner
- (2) Name and address of the person you are suing. The address CANNOT be a P.O. Box.
- (3) Your name (the claimant)
- (4) Amount of the claim
- (5) Reason for the claim

You **do not** enter the docket number, nor the date and time of the hearing.
That will be filled in by the court clerk.

The Small Claims proceeding will be commenced and added to the Court calendar only after the payment of the filing fee.

The fee is \$10 for claims of \$1,000 or less.

The fee is \$15 for claims over \$1,000.

The maximum amount of claim is \$3,000.

You may sue for money damages only.

If you are filing by mail, send the form and your payment via **certified check** or **money order** to:

Town of Cobleskill Court
Small Claims Proceedings
378 Mineral Springs Road
Cobleskill, NY 12043

Personal Checks are not accepted.

The court will mail you a copy of the form with the hearing date filled in.

Cobleskill Town Court / County of Schoharie

(1) _____

Small Claims

Docket # _____

Notice Of Claim

Phone Number _____

(2) _____

Take notice that (3) _____ asks judgment in this court against you for

(4) \$ _____ together with costs, upon the following claim (5) _____

There will be a hearing before the Court upon this claim on _____, 20____ at _____

held at 378 Mineral Springs Road, Cobleskill, NY 12043. (Court Phone Number 518-234-7886)

You must appear and present your defense and any counterclaim you may desire to assert at the hearing at the time and place set forth (a corporation must be represented by an attorney or any authorized officer, director or employee).

If you do not appear, judgement may be entered against you by default even though you may have a valid defense. If your defense or any counterclaim, is supported by account books, receipts or other documents, you must provide the court with copies of them at the hearing. The court will not make copies and these copies will NOT be returned to you. The clerk, if requested, will issue subpoenas for witnesses.

A Guide to Small Claims Court is also available, free of charge, at the court.

If you wish to present a counterclaim against the Claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing, you must pay the Clerk a filing fee of \$3.00 plus the cost of first class postage. If you fail to file a counterclaim within this five day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date. If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to the Court your reasons for desiring time to pay.

Dated: _____ Court Clerk: _____

Note: If you desire a jury trial, you must, before your appearance date, file with the Clerk of the Court a written demand for a trial by jury. You must also pay the Clerk a jury fee of \$10 and file an undertaking in the sum of \$50 or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You must also make an affidavit specifying the issues of fact that you desire to have a trial by a jury and stating that such a trial is desired and demanded in good faith.

SMALL CLAIMS QUICK CHECK

- A. Your Small Claim can only be for money up to \$3,000
- B. Corporations and partnerships cannot use the small claims procedure. You must be a sole proprietor or an individual to bring suit. Be careful of "PC's".
- C. If younger than 18 your parent or guardian may file a claim for you
- D. You may bring suit against an individual, corporation, partnership, associations, and assignees
- E. To file a claim, yourself or someone on your behalf must contact the Small Claims Court in the town, village, or city where the Defendant lives, works, or has a place of business.
- F. A filing fee of \$10.00 for claims up to \$1,000, and \$15.00 for a claim over \$1,000
- G. Each party involved in the small claim action should receive a copy of A Guide to Small Claims.
- H. A notice of claim will be sent by the court, both certified mail and ordinary first class mail.
- I. Notice of claim must be sent 21 days before appearance date and if mail is not returned they are presumed to have received notice.
- J. If notice is returned to post office as undeliverable, the court will set a new trial date, and personal service will be required by a person at least 18 years of age who is not party to the action. If no service is made in four months from the start date, the case will be dismissed without prejudice, and an action may be brought at a later date.
- K. The defendant has the right to file a counterclaim (fee \$3 plus mail cost) up to \$3,000, any time up to the trial date, if it is not done within five days of receipt of notice of claim, the trial date may be adjourned to a later date.
- L. The court shall conduct a hearing so as to do substantial justice between the two parties and the court will hear all relevant information as it pertains to the claim. (ruling should be made after parties leave the hearing). Those giving testimony must be sworn
- M. A notice of Small Claims Judgement is required to be sent to both judgment creditor and judgement debtor to notify of rights and obligations.

This is not intended to take the place of your detailed Guide to Small Claims Courts