

Pre-Judgment: Basic Steps for Handling a Small Claims Case for RECOVERY OF MONEY

Any forms mentioned in this basic guide may be obtained from the Clerk of Court or online at <http://www.wicourts.gov/forms1/circuit.htm>.

1. **Decide in which county you will file your case.** Small Claims cases for recovery of money may be filed in any of three places:
 - The county where the claim arose,
 - The county where property that is the subject of your claim is located, or,
 - The county where the defendant (the party you are suing) lives or does business.
2. **Fill out a Small Claims Summons and Complaint form.** The form (SC-500i) has step-by-step instructions on the left side. Once you have filled it out, you should make at least two copies for each party you are suing and a copy for yourself.
3. **File the Summons and Complaint.** The Summons and Complaint and **all copies** must be filed and a fee paid to the Clerk of Court in the county where you are filing your case.
4. **Have each party you are suing served with a copy of the Summons and Complaint.** For the court to hear the case, each party must be provided with a copy of the Summons and Complaint far enough in advance of the first court date or answer deadline. The requirements for this service (delivery) are different in each county. Some counties require the documents to be served by a sheriff or a private process server (“personal service”), while others allow mail service by the Clerk of Court. See Pre-Judgment: Basic Steps to Small Claims Service (SC-6050V) for additional information.
5. **Complete an Affidavit of Nonmilitary Service (GF-175) for each party you are suing.**
6. **File your proof(s) of service and Affidavit(s) of Nonmilitary Service with the Clerk of Court.** File the Affidavit(s) of Nonmilitary Service and, if a sheriff or private process server has served the other party, also file the proof(s) of service you received. File these documents with the Clerk of Court at or before the first court date or answer deadline according to local court rules.
7. **For the first court date, follow the local court rules for attending.** Some counties require all parties to come to court. Other counties allow the other party to answer in writing and the parties do not have to come to court. Follow the rules where your case is filed or your case may be dismissed. If the court grants you a judgment, skip to number 10 below and file the necessary paperwork.

- 8. **If there is a disagreement, the court will schedule a trial/hearing.** Before the trial/hearing, you may contact the other party to try to settle your case. Some counties require the parties attend mediation. If you reach an agreement, put your agreement in writing and file it with the Clerk of Court before the trial/hearing. You may use the form Stipulation and Order for Dismissal (Non-Eviction) (SC-5310V) to do this. If you have not reached an agreement before the trial/hearing, organize your paperwork and evidence in support of your claim and make enough copies for the court and all parties. If you have witnesses, arrange for them to attend. Practice what you are going to say. Make sure to follow local court rules for filing documents or statements before the trial/hearing.

- 9. **Attend the trial/hearing.** Be on time and be polite. Don't get emotional. Explain why the court should give you what you are asking for. The court will review your evidence and listen to your witnesses, if any. When the court makes its decision, listen carefully. If a court commissioner heard your case, any party may request a new trial before a judge. The court commissioner will give you instructions after your hearing. See the instructional packet, Basic Guide to Wisconsin Small Claims Actions (SC-6000V) for additional information about preparing and participating at trial.

- 10. **Complete any post-decision activities.** If you are granted a judgment, you may have the judgment docketed by paying a fee to the Clerk of Court so it becomes a lien on the other party's real estate. The other party will be required to complete a Financial Disclosure of Assets form (SC-506) and send it to you within 15 days of entry of judgment unless they have already paid the judgment. If the other party does not complete the disclosure, you may file a Motion and Order for Hearing and Contempt (SC-507). The court does not collect your judgment for you, but there are actions you can take to collect your judgment. See Post-Judgment: Basic Steps Guide for Handling a Small Claims Earnings Garnishment (SC-6070V) and the Execution Against Property form (GF-115).