

Pre-Judgment: Basic Steps for Handling a Small Claims Action for REPLEVIN (Recovery of Property)

A. Personal Property worth \$10,000 or less;
OR
B. Consumer Credit Transactions with
\$25,000 or less financed

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

<https://www.wicourts.gov/forms1/circuit.htm>.

In addition to the guidance in this handbook, follow local court rules or procedures:

[Wisconsin Circuit Court Rules](#)

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

1. **Determine which type of replevin case to file and then decide in which county you will file your case.** Small Claims cases for recovery of property may be filed in any of three (3) places:
 - A. Personal Property worth \$10,000 or less – the county where the
 - claim arose,
 - property is located, or
 - defendant (the party you are suing) lives or does business.
 - B. Consumer Credit Transactions –the county where the
 - consumer resides or is personally served;
 - collateral (property) is located, or
 - consumer made the purchase or acquired the property.
2. **Fill out a *Small Claims Summons and Complaint form* or *Summons for Consumer Replevin form*.** Use the *Summons and Complaint, (SC-500)* form or *Summons and Complaint (with instructions), (SC-500i)* form which has step-by-step instruction on the left side. *Summons for Consumer Replevins, (SC-516)* should only be used for consumer replevin case types. If you are filing a consumer replevin case, you must draft a complaint and attach it to the Summons. Once you have filled out the appropriate form, 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, (SC-500) form or Summons and Complaints for Consumer Replevins, (SC-516) form.** 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. The documents must be served by a sheriff or a private process server (“personal service”). See Pre-Judgment: Basic Steps to Small Claims Service, (SC-6050V) for additional information.
5. **Complete a Declaration of Nonmilitary Service, (GF-175) form for each party you are suing.**
6. **File your proof(s) of service and Declaration(s) of Nonmilitary Service with the clerk of court.** File the Declaration(s) of Nonmilitary Service and the proof(s) of service you received from the sheriff or private process server. File these documents with the clerk of court at or before the first court date according to local court rules.
7. **Attend the first court date.** All parties are required to attend the first court date. However, DEFENDANTS may be allowed to appear in writing or by telephone if a local rule grants that privilege. Follow the local court rules where your case is filed or your case may be dismissed. If the court grants you a judgment, skip to number 11 below and file the necessary paperwork.
8. **If there is a disagreement, the court will schedule a trial.** Before the trial, 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. You may use the Stipulation for Dismissal (Non-Eviction), (SC-5310VA) form and Order for Dismissal (Non-Eviction), (SC-5310VB) form to do this. If you have not reached an agreement before the trial, 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.
9. **Attend the trial.** 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. See the instructional packet, Basic Guide to Wisconsin Small Claims Actions, (SC-6000V), for additional information about preparing and participating at trial.
10. If a commissioner heard your case, any party may request a trial before a judge. To request a trial, complete and timely file a Demand for Trial and Instructions, (SC-517) form with the clerk of court.
11. **Complete any post-decision activities.** If you are granted a judgment of replevin and you want the sheriff to help you recover the property, In order to do so, you must pay a fee to obtain a signed Writ of Restitution, (SC-512) form from the clerk of court. Take the writ to the sheriff within 30 days. You will be required to pay a service fee to the sheriff. You may also be required to provide a bond to the sheriff. Contact the local sheriff’s department for additional information.