



HOW TO USE THIS ONLINE FORM

You may fill in the information required in this packet on your screen, save it to your local drive and print it out on your local printer OR you may print out the packet and complete the forms by hand or typewriter.

The information you enter is NOT
submitted electronically.

Completed forms are to be submitted to the Special Civil Part of the Superior Court in the county where you are filing your case. A list of Special Civil Part Offices is provided at the customer counter and at www.njcourtsonline.com.



HOW TO SUE IN SMALL CLAIMS COURT NON - MOTOR VEHICLE CASE

SMALL CLAIMS COMPLAINT AND SUMMONS CONTRACT/TORT CASES ONLY

WHO SHOULD USE THIS PACKET?

You **can use** this packet if a person or company owes you up to \$3,000 and you want to ask the court to order them to pay. You can also use this packet if you gave a landlord security deposit and it was not returned; in such circumstances, at its discretion, the court could award a total amount not to exceed \$5,000. **This packet cannot be used if your case involves a motor vehicle accident.** Some reasons you might sue a person or company:

- a person or company failed to comply with a written or oral contract;
- you paid money as a down payment and want it returned;
- your property was damaged or lost;
- merchandise you bought is defective;
- work you paid for was faulty or not completed;
- you want to be paid for work you did;
- someone wrote you a bad check;
- you gave a landlord a security deposit that was not returned; at its discretion, the court could award an amount not to exceed \$5,000.

You **cannot** use this form for:

- a malpractice claim against a doctor, dentist, or lawyer, or other professional;
- a claim for child support or alimony;
- a claim arising from a probate matter, a prerogative writ action or a claim for equitable relief;
- or a **motor vehicle accident case** in Small Claims Court (ask for a special packet for that type of case.)

NOTE: You must be at least 18 to file your claim. If you are under 18, your parent or guardian has to file the claim for you.

NOTE: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse and on the Judiciary's Internet site www.njcourtsonline.com. However, you are ultimately responsible for the content of your court papers.

THINGS TO THINK ABOUT BEFORE YOU REPRESENT YOURSELF IN COURT

GETTING A LAWYER

The Small Claims Section is a court in which you may sue someone (the defendant) to collect a small amount of money that you believe is owed to you. Because procedures in Small Claims are simpler than in other sections of the court, people usually can file and present their cases relatively quickly and inexpensively, and often without an attorney.

WHAT YOU SHOULD EXPECT IF YOU REPRESENT YOURSELF

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- *We can explain and answer questions about how the court works.*
- *We can tell you what the requirements are to have your case considered by the court.*
- *We can give you some information from your case file.*
- *We can provide you with samples of court forms that are available.*
- *We can provide you with guidance on how to fill out forms.*
- *We can usually answer questions about court deadlines.*
- *We cannot give you legal advice. Only your lawyer can give you legal advice.*
- *We cannot tell you whether or not you should bring your case to court.*
- *We cannot give you an opinion about what will happen if you bring your case to court.*
- *We cannot recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.*
- *We cannot talk to the judge for you about what will happen in your case.*
- *We cannot let you talk to the judge outside of court.*
- *We cannot change an order issued by a judge.*

DEFINITIONS OF WORDS USED IN THIS PACKET

Certification:	A <i>certification</i> is a written statement made to the court when you file papers with the court, swearing that the information contained in the papers is true to the best of your knowledge.
Complaint:	A <i>complaint</i> is a document in which you briefly tell the court the facts in your case and the relief you want the court to grant.
Default:	When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge may order in your favor. This is called a <i>default</i> . Also, if you do not show up in court, the court may dismiss your case.
Defendant:	The <i>defendant</i> is the party who is being sued.
File:	<i>To file</i> means to give the appropriate forms and fee to the court to begin the court's consideration of your request.
Motion:	A <i>motion</i> is a written request in which you ask the court to issue an order, or to change an order it has already issued.
Order:	An <i>order</i> is a signed paper from the judge telling someone they must do something.
Party:	A party is a person, business, governmental agency, etc., involved in a court action.
Plaintiff:	The <i>plaintiff</i> is the party who starts the lawsuit.
Return Date:	This is the date the plaintiff and defendant are told to appear in court.
Service of Process:	<i>Service of Process</i> is the official delivery of the papers to the other party.
Summons:	A <i>summons</i> is the paper that notifies the defendant that he or she is being sued and briefly explains the steps they need to take once they have received this notice.

**HOW TO SUE FOR AN AMOUNT OF MONEY UP TO \$3,000
(SPECIAL CIVIL COMPLAINT AND SUMMONS - CONTRACT OR TORT CASE ONLY)**

The numbered steps listed below tell you what forms you will need to fill out, and what to do with them.

Each form should be typed or clearly printed on "8 ½ x 11" white paper only. Forms may not be filed on a different size or color paper.

8 STEPS FOR FILING YOUR SMALL CLAIMS COMPLAINT AND SUMMONS

STEP 1: Fill out the *SMALL CLAIMS COMPLAINT* (FORM A)

The *Small Claims Complaint* tells the court and the defendant the facts of the case and the things you want the defendant to do.

STEP 2: Fill out page 2 of the *SMALL CLAIMS SUMMONS* (FORM B)

The *Small Claims Summons* is delivered by the court to the defendant in the case (the person or company being sued). It puts the defendant on notice that you have filed a complaint against him or her. It also informs the defendant of the steps he or she must take to dispute the claim. Attach page 2 of the summons form and the filing fee to the complaint before mailing or delivering your papers to the court. Page 1 of the summons is a preprinted form that the court will attach when it delivers the summons to the defendant.

STEP 3: Be sure that the papers can get to the defendant

It is very important that you provide the court with the defendant's correct address. After you file your papers with the court, the court will then mail or deliver the papers to the defendant using the address you gave the court. If the address is correct and the defendant is served with the papers, then the court will notify both sides of a court date. If the defendant cannot be found at the address you provided, the court will notify you that the trial has been cancelled for that reason. You must then provide the court with another address and pay a reservice fee within 60 days of the date you filed the complaint or the case will be dismissed. It will be reinstated automatically if you can provide a valid address within one year.

STEP 4: Attach the filing fee

Make a check or money order payable to: *Treasurer, State of New Jersey.*

Plaintiff's Filing Fees:

- \$22 for one defendant (\$15 Filing Fee and \$7 certified and regular mail Service Fee);
- \$9 for each additional defendant (\$2 Filing Fee; and \$7 certified and regular mail Service Fee).

STEP 5: Where to file the *SMALL CLAIMS COMPLAINT* (FORM A)

The complaint must be mailed or delivered to the Office of the Special Civil Part Clerk in the county where at least one defendant lives or, if the defendant is a business entity, in the county where its registered office is located or in any county in which it actually does business. If there is more than one defendant, the complaint can be filed in the county where any of the defendants live or, if a business entity, is located or does business. If none of the defendants live or do business in New Jersey, the complaint must be filed where the cause of the complaint occurred.

Note: A complaint for the return of a security deposit may be filed in the county where the landlord lives or where the landlord's property is located.

STEP 6: Check your completed forms

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms wherever necessary.

CHECKLIST - You must have all of the following items in this order:

- _____ Complaint (FORM A)
- _____ Summons (FORM B)
- _____ Filing fee in the form of check or money order. Do not mail cash. You may use cash if you pay in person, but you should keep the receipt you get from the court staff for your records.

STEP 7: Mail or deliver your package of completed papers to the court

You can deliver your papers to the court in person or you can mail them. If you mail the papers, we recommend that you use certified mail, return receipt requested. This will provide you with a green receipt card that can serve as proof that you mailed the papers. Your post office can tell you how to send certified mail, return receipt requested.

- Make at least 4 copies of the entire packet of completed forms.
- Mail or deliver to the court the original and 2 copies of all the forms, plus two more copies for each additional defendant.
- Keep one copy of the entire packet for your own records.
- Review steps 1 through 7 before mailing this packet to the court.

STEP 8: You will get a court date for your trial

After you file your papers with the court, you will receive a postcard in the mail with the date you must appear in court. The defendant will also be notified to appear in court on the same date. If you do not appear in court on this date, your case may be dismissed. If you cannot make your court date because of circumstances beyond your control, you must contact the court in advance and request that your date be rescheduled.

If the other party does not appear, the court may find the other party is in *default*. Bring all the evidence (documents, photographs and witnesses) you need to prove your case with you to court on your court date. A witness' written statement, even if under oath, is not admissible in court. Only actual testimony in court of what the witness heard or saw will be allowed. Prepare your questions in advance. Even if the defendant does not appear, the judge may schedule a *Proof Hearing* at which you must present all documents that support your case such as canceled checks, money orders, sales receipts, bills, contracts, estimates, leases, letters, photographs and other documents proving your claim.

The court will likely ask that you attempt to settle your case with the help of a judge's law clerk or another trained mediator before you go to trial. If you settle your case, you must tell the judge and court clerk. If you need an interpreter or an accommodation for a disability for your trial, please contact the court before your trial date.

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**INSTRUCTIONS FOR COMPLETING FORM A
(SMALL CLAIMS COMPLAINT-CONTRACT OR TORT)**

- A. Fill in the required information at the top of the form.

In the section below the *Docket No.*, check the one item that applies to your type of claim:

Contract: Your case involves a written or oral agreement between you and another person or company.

Security Deposit: You want to recover the money you gave a landlord to secure a place for you to lease.

Rent Owed: You are a landlord trying to collect the money owed to you by a tenant.

Tort other than a motor vehicle: You are asking to be paid for injuries to you or your property resulting from an event other than a motor vehicle accident.

NOTE: You cannot use this packet if you are asking to be paid for injuries to you or your property resulting from a motor vehicle accident. You can obtain a motor vehicle packet from the court.

- B. In the section labeled *Complaint*, type or print the amount of money you believe you are owed after the word *Demand*. In the blank spaces in the center of the complaint, you must explain the reasons you are suing the Defendant in detail. (**Note: You may attach more sheets if you need to.**)

Some reasons you might sue a person or company are:

- a person or company did not comply with a written or oral contract;
- you paid money as a down payment and want it returned;
- your property was damaged or lost;
- merchandise you bought is defective;
- work you paid for was faulty or not completed;
- you want to be paid for work you did;
- someone wrote you a bad check;
- you gave a landlord a security deposit that was not returned.

- C. Complete the information regarding interpreters or accommodation for a disability.
- D. If the complaint (Form A) or any of the copies of papers that you attach to the complaint contain a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number or active credit card number, you must redact (black out) this information so that it cannot be seen, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If an active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it. **NOTE: Do not redact (black out) this information in the original papers that you are keeping since you may have to show them to the court at some point.**
- E. Date and sign the form.

IMPORTANT NOTE: You *cannot* sue in **Small Claims Court** for a malpractice claim against a doctor, dentist, lawyer or other professional. You *cannot* sue in **Small Claims Court** or in **Special Civil Part** for:

- a claim for child support and/or alimony;
- a claim arising from a probate matter, such as a will.

FORM A
SMALL CLAIMS COMPLAINT (Contract, Security Deposit, Rent, or Tort)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
SMALL CLAIMS SECTION**

Attorney for Plaintiff (if any)
Address _____

Telephone No. _____

_____ County
Docket No. _____
(to be provided by the court)

From Plaintiff

Name
Address _____

Telephone No. _____

**CIVIL ACTION
COMPLAINT**

To Defendant

Name
Address _____

Telephone No. _____

Check One – See Instruction A for Form A

- Contract
- Security Deposit
- Rent
- Personal Injury or Property Damage (other than motor vehicle)

COMPLAINT (See instruction B for form A)

Demand: \$ _____ plus costs.
Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): Attach additional sheets if necessary.

IMPORTANT: Plaintiffs and defendants must bring all witnesses, photos, and documents, and other evidence to the hearing. Subpoena forms are available at the Clerk's office to require the attendance of witnesses.

At the trial Plaintiff will require:
An interpreter Yes No Indicate Language: _____
An accommodation for disability Yes No Indicate Disability: _____

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

Date

Your Signature

Your Name Typed or Printed

**INSTRUCTIONS FOR COMPLETING FORM B
(SMALL CLAIMS SUMMONS)**

- A.** Under the section labeled *Plaintiff or Plaintiff's Attorney Information*, type or print the name, address and telephone number of your attorney if you have one. If you do not have an attorney and are representing yourself, type or print **your** name, address and telephone number.
- B.** Under the section labeled *Defendant Information*, type or print the Defendant(s)' name, address and telephone number.
- C.** In the upper right hand corner before the word *County*, type or print the name of the county you are suing in.
- D.** In the spaces below the word *County*, type or print the address and telephone number of the courthouse you are filing in.
- E.** Where it says to *Check One*, check whether you are suing for breach of contract or a tort.
- F.** In the space after the words *Demand Amount*, type or print the amount you are suing for.
- G.** In the space after the words *Filing Fee*, type or print the total amount of the filing fee for the number of defendants you are suing (see STEP 4 on page 5).
- H.** Leave the space after the word *Service Fee* blank for the court staff to complete.
- I.** Leave blank the space after the words *Attorney's Fees*. If you are represented by an attorney he or she will fill that section out for you.
- J.** Leave the area after the word *Total* blank for the court staff to complete.

FORM B
SMALL CLAIMS SUMMONS AND RETURN OF SERVICE

Plaintiff or Plaintiff's Attorney Information:

Name: _____

Address: _____

Phone: _____

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, SPECIAL CIVIL PART

_____ **COUNTY**

_____ **Plaintiff(s)**
versus

Docket Number: _____
(to be provided by the court)

_____ **Defendant(s)**

Civil Action

SUMMONS

Defendant Information:

Name: _____

Address: _____

Phone: _____

(Check one): _____ **Contract** _____ **Tort**

Demand Amount: \$ _____

Filing Fee: \$ _____

Service Fee: \$ _____

Attorney's Fees: \$ _____

TOTAL: \$ 0.00 _____

YOU MUST APPEAR IN COURT ON THIS DATE _____ **AND TIME:** _____ at a.m. p.m.,
OR THE COURT MAY RULE AGAINST YOU.

REPORT TO: _____

RETURN OF SERVICE (For Court Use Only)

COURT OFFICER'S RETURN OF SERVICE
IF SERVED BY COURT OFFICER

Docket Number: _____

Date: _____ **Time:** _____ **WM** **WF** **BM** **BF** **OTHER** _____

HT **WT** **AGE** **HAIR** **MUSTACHE** **BEARD** **GLASSES** _____

NAME: _____ **RELATIONSHIP:** _____

Description of Premises _____

I hereby certify the above to be true and accurate:

Court Officer

IF SERVED BY MAIL:

I, _____, hereby certify that on _____, I mailed a copy
of the within summons and complaint by regular and certified mail-return receipt requested.

Employee Signature