



Small Claims Court

FILING: The filing and service of process fee is \$80.00. There is an additional \$10.00 charge for each additional defendant with a different address. You must file the complaint and any attachments in DUPLICATE. Please provide the court with a clear and accurate legal name and address for the defendant. Route and box numbers are not acceptable. If filing against a business, determine whether the business is incorporated or privately owned. If privately owned, list the owners full legal name. Provide the name of the registered agent for a corporation. The Secretary of State may be contacted to obtain the name of the agent. If filing to collect on an account or note, include duplicate copies of the statement of account, invoices or note to verify the amount due and have your signature notarized. The jurisdictional limit in this court is \$7,500.00.

SUMMONS: The Small Claims Court issues a summons when the complaint is filed and the summons requires the defendant to answer the complaint within thirty (30) days after the date of service. The defendant must answer the complaint in writing. If the defendant has a claim against the plaintiff arising from the same facts, the defendant may file a counterclaim in writing with the court at the same time the answer is filed.

DEFAULT: A default hearing will be scheduled by the court if the defendant does not answer within thirty (30) days after service of the summons and complaint. At that time, a judgment by default may be entered against the defendant.

HEARING: The Court will schedule a bench trial if the defendant files an answer. The parties must appear with any witnesses and evidence that are necessary to prove their cases. A WRITTEN NOTARIZED, OUT OF COURT STATEMENT FROM A WITNESS CANNOT BE USED AS EVIDENCE. A WITNESS MUST APPEAR IN PERSON IN COURT TO TESTIFY. There is a charge of \$8.00 per subpoena if issued by the Court. The Court does not provide a court reporter. You must make appropriate arrangements.

JURY TRIAL: Either party has the right to request a jury trial. The jury trial request must be submitted in writing at least five (5) working days prior to the date of the hearing.

JUDGMENTS: A transcript of judgment will be issued with specific instructions about the enforcement of the judgment. It may be recorded immediately at the Clerk of Courts office. The Execution Against Property Order may be filed with the Charleston County Sheriff's Office thirty (30) days after notice of judgment. The recorded judgment will remain valid and enforceable for a period of ten (10) years. When the judgment is satisfied the plaintiff must notify the Clerk of Courts office so that the judgment may be removed.

POST TRIAL: A motion for a new trial must be received by the Small Claims Court in writing within five (5) days after notice of the judgment.

APPEALS: An appeal must be filed in writing within thirty (30) days from the notice of judgment. There is a filing fee and it must be filed with the Court of Common Pleas. The notice of appeal must be personally served on the Small Claims Court and the opposing party.