

HOW TO USE THIS ONLINE FORM

This form can be filled out on your screen, saved to your local drive, and printed out on your local printer or it can be printed out on your local printer for completion by hand or typewriter.

The information you enter is NOT

submitted electronically.

Completed forms are to be submitted to the county where you are filing your case. A list of addresses to locate the appropriate Superior Court Office to file your papers is provided at the end of this packet.



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 selfrepresented 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 or 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

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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 order 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: Service of Process 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.		

Small Claims – Non-Motor Vehicle 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 $\frac{1}{2}$ " 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 defendant cannot be found at the address you have given the court, *Service of Process* is considered incomplete and the court will ask you for another address it can use to contact the defendant.

If the address is correct and the defendant is served with the papers, then the court will notify both sides of a court date.

STEP 4: Attach the filing fee

Make a check or money order payable to the 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).

If the courthouse you are filing your papers in uses personal service, the Service Fee is calculated by court staff based on mileage.

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 where the defendant's business is located. If there is more than one defendant, the complaint can be filed in the county where any of the defendants live or are located. If none of the defendants live or are located 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.

Small Claims – Non-Motor Vehicle 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.

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 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.

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

- A. 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.

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.

Review steps 2, 4, 6, and 7 before mailing this packet to the court.

<u>FORM A</u> SMALL CLAIMS COMPLAINT (Contract, Security Deposit, Rent, or Tort)

Attorney for Plaintiff (if any)	SUPERIOR COURT OF NEW JERSEY LAW DIVISON SPECIAL CIVIL PART County
Address	Address
Telephone No.	Telephone No.
From Plaintiff:	
Name:	SMALL CLAIMS SECTION CIVIL ACTION
Address	COMPLAINT
Telephone No.	
To Defendant:	Check One – See Instruction A for Form A
Name: Address	Contract Security Deposit Rent
Telephone No.	Personal Injury or Property Damage(other than motor vehicle)
<u>COMPLAINT (See ir</u>	nstruction B for form A)
Demand: \$plus costs. Type or print the reasons you, the Plaintiff(s), are suing the	ne Defendant(s):
	ore sheets if you need to) witnesses, photos, and documents, and other evidence to the ce to require the attendance of witnesses.
At the trial Plaintiff will need: An interpreter: yes no An accommodation for disability: yes no	Indicate Language: Indicate Disability:
I certify that the matter in controversy is not the subject o pending or contemplated, and that no other parties should	· · · ·
Date	Your Signature
	Your Name Typed or Printed

INSTRUCTIONS FOR COMPLETING FORM B (SMALL CLAIMS SUMMONS) [Note: These instructions are for page 2 of Form B]

- 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 fee for mailing service in your county (see STEP 4 on page 5).
- H. Leave the space after the word *Service Fee* blank for the court staff to complete.
- **I.** Leave it blank in 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.



THE SUPERIOR COURT OF NEW JERSEY

Law Division, Special Civil Part

SMALL CLAIMS SUMMONS

YOU ARE BEING SUED! IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS CASE, YOU MUST APPEAR IN COURT. IF YOU DO NOT, THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. You are cautioned that if you do not come to court on the trial date to answer the complaint, you may lose the case automatically, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

You can do one or more of the following things:

1. *Come to court to answer the complaint*. You do not have to file a written answer, but if you dispute the complaint and want the court to hear your side of the case, you must appear in court on the date and at the time noted on the next page.

AND/OR

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. You do not have to do this unless you want to. This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. You will have to appear in court on the trial date unless a written agreement is reached and filed with the court.

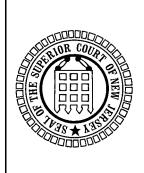
AND/OR

3. *Get a lawyer*. If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at ______. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at ______.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

La traducción al español se encuentra al dorso de esta página.

Clerk of the Special Civil Part



EL TRIBUNAL SUPERIOR DE NUEVA JERSEY División de Derecho, Parte Civil Especial

NOTIFICACIÓN DE DEMANDA DE RECLAMACIONES MENORES

¡LE ESTÁN HACIENDO JUICIO!

SI UD. QUIERE QUE EL TRIBUNAL VEA SU VERSIÓN DE ESTA CAUSA TIENE QUE COMPARECER EN EL TRIBUNAL. SI NO COMPARECE, PUEDE SER QUE EL TRIBUNAL DICTAMINE EN SU CONTRA. PARA LOS DETALLES, LEA TODA ESTA PÁGINA Y LA QUE SIGUE.

En la demanda adjunta, la persona que le está haciendo juicio (que se llama *el demandante*) da al juez su versión breve de los hechos del caso y la suma de dinero que alega que Ud. le debe. **Se le advierte que si Ud. no viene al tribunal en la fecha del juicio, es posible que pierda la causa automáticamente** y el tribunal puede dar al demandante lo que pide más intereses y costas. Si se registra una decisión en contra de Ud., un Oficial de la Parte Civil (Special Civil Part Officer) puede embargar su dinero, salario o bienes muebles para pagar toda o parte de la adjudicación y la adjudicación tiene 20 años de vigencia.

Usted puede escoger entre las siguientes opciones:

1. *Venir al tribunal para contestar la demanda*. No hace falta que presente una contestación escrita, pero si Ud. disputa la demanda y quiere que el juez vea su versión de la causa, tiene que comparecer en el tribunal en la fecha y a la hora notadas en la página que sigue.

ADEMÁS, O DE LO CONTRARIO, USTED PUEDE

2. *Resolver la disputa.* Ud. posiblemente quiera comunicarse con el abogado del demandante, o el demandante si el demandante no tiene abogado, para resolver esta disputa. **No tiene que hacerlo si no quiere.** Esto puede evitar que se registre una adjudicación y puede ser que el demandante esté de acuerdo con aceptar un convenio de pago lo cual es algo que el juez no puede imponer. Tendrá que comparecer en el tribunal en la fecha del juicio a menos que se llegue a un acuerdo escrito que se registra en el tribunal.

ADEMÁS, O DE LO CONTRARIO, USTED PUEDE

3. *Conseguir un abogado*. Si Ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos si se comunica con Servicios Legales (Legal Services) al ______. Si tiene dinero para pagar a un abogado pero no conoce ninguo puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al ______.

Si necesita un interprete o alguna acomodación para un impedimento, tiene que notificárselo inmediatamente al tribunal.

FORM B - Page 2 SMALL CLAIMS SUMMONS AND RETURN OF SERVICE

Plaintiff or Plaintiff's Attorney Information:	SUPERIOR COURT OF NEW JERSEY			
Name:	LAW DIVISION, SPECIAL CIVIL PART			
Address:			COUNTY	
Phone:		Docket Number :(to	be provided by the court)	
			ivil Action	
	Plaintiff(s)	SUMMONS		
versus		(Check one):	Contract Tor	
		Demand Amount:	\$	
Defendant Information: Name:		Filing Fee:	\$	
Address:		Service Fee:	\$	
		Attorney's Fees:	\$	
		TOTAL:	\$	
RETURN OF COURT OFFICER'S RETURN OF SERVICE IF SERVED BY COURT OFFICER Docket Number: Date: Time: HT WT AGE HAIR MUSTACH NAME: Description of Premises	F SERVICE (For WMW HEBEARD	FBMBFO GLASSES	THER HIP:	
		Court Officer		
F SERVED BY MAIL:				
I,, hereby certs of the within summons and complaint by r	ify that on egular and certifie	, I n d mail-return receipt rec	nailed a copy quested.	
		Employee	Signature	

DIRECTORY OF SUPERIOR COURT SPECIAL CIVIL PART CLERK'S OFFICES

Atlantic County

Special Civil Part Atlantic County Civil Courthouse 1201 Bacharach Blvd. Atlantic City, NJ 08401 (609)-345-6700; Ext. 3370

Bergen County

Special Civil Part/Finance Unit Bergen County Justice Center Room 119, 10 Main Street Hackensack, NJ 07601 (201)-527-2730

Burlington County

Burlington County Central Processing Office Attention: Special Civil Intake, Courts Facility 49 Rancocas Rd. Mount Holly, NJ 08060 (609)-518-2623

Camden County

Hall of Justice 101 S. 5th Street, Suite 150 Camden, NJ 08103-4001 (856)-379-2202

Cape May County

Special Civil Part DN-203 4 Moore Road Cape May Courthouse, NJ 08210 (609)-463-6502

Cumberland County

Special Civil Part Broad & Fayette Sts. P.O. Box 10 Bridgeton, NJ 08302 (856)-453-4350

Essex County

Essex County Courts Bldg. 50 W. Market St., Room 113 Newark, NJ 07102 (973)-693-5529

Gloucester County

Gloucester County Courthouse 1 N. Broad St. P.O. Box 881 Woodbury NJ 08096 (856)-853-3392

Hudson County

Special Civil Case Management Office 711 Administration Bldg. 595 Newark Avenue Jersey City, NJ 07306 (201)-795-6680

Hunterdon County

Hunterdon County Justice Center 65 Park Avenue P.O. Box 1069 Flemington, NJ 08822 (908)-237-5820

Mercer County

Mercer County Central Finance Office 175 S. Broad St. 1st Floor P.O. Box 8068 Trenton, NJ 08650 (609)-571-4490

Middlesex County

Special Civil Part Tower – 3rd Floor One J.F.K. Square P.O. Box 1146 New Brunswick, NJ 08903-1146 (732)-981-2045

Monmouth County

Central Fee Office Courthouse, 71 Monument Pk. P.O. Box 1260 Freehold, NJ 07728-1260 (732)-677-4223

Morris County

Special Civil Part Washington and Court Sts. P.O. Box 910 Morristown, NJ 07963-0910 (973)-656-4125

Ocean County

Ocean County Courthouse 118 Washington St., Room 121 Toms River NJ 08754 (732)-929-2016

Passaic County

Old Courthouse 71 Hamilton Street Paterson, NJ 07505-2017 (973)-247-8268

Salem County

Salem County Courthouse 92 Market St. P.O. Box 29 Salem, NJ 08079 (856)-935-7510

Somerset County

Somerset County Civil Division 40 North Bridge Street, 1st. Fl. P.O. Box 3000 Somerville, NJ 08876 (908)-231-7014

Sussex County

Special Civil Part Sussex County Judicial Center 43-47 High St. Newton, NJ 07860 (973)-579-0918

Union County

Special Civil Part Courthouse Old Annex, 3rd Floor 2 Broad Street Elizabeth, NJ 07207 (908)-659-3638

Warren County

Warren County Civil Division Courthouse 413 Second St. P.O. Box 900 Belvidere, NJ 07823-1500 (908)-475-6144

www.FormsWorkflow.com