

JUSTICE COURT
STATE OF NEW YORK

TOWN OF MALTA
COUNTY OF SARATOGA

Claimant,

SMALL CLAIM PART

vs.

Docket No. _____

Defendant.

DATE ACTION FILED WITH COURT: _____

Address of Claimant: _____ (No P.O. Box)

Phone # _____

TO: _____ **(Defendant):**

Address of Defendant: _____ No P.O. Box)

Phone # _____

Take Notice that the above referenced Claimant asks judgment in this Court against you for
\$ _____, upon the following claim:

There will be a hearing before the Court upon this claim on _____, 20____ at _____ AM/PM in the Small Claims Part, held at the Town of Malta Justice Court, 2538 State Route 9, Malta, NY 12020.

You must appear and present your defense and any counterclaim you may desire to assert at the hearing at the time and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or employee). IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT, EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if requested, will issue subpoenas for witnesses, without fee thereof.

If you wish to present a counterclaim against the claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing you must pay the Clerk a filing fee of \$3.00 plus the cost of postage to send your counterclaim by first class mail to the claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to the Court your reasons for desiring time to pay.

A Guide to Small Claims Court is available at the court listed above.

NOTE: If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the clerk a jury fee of \$10 and file an undertaking in the sum of \$50, or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith. Under the law, the Court may award \$25 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

NOTICE TO CLAIMANT:

Uniform Justice Court Act: § 1810. Limitation on right to resort to small claims procedures:

If the clerk shall find that the procedures of the small claims part are sought to be utilized by a claimant for purposes of oppression or harassment, as where a claimant has previously resorted to such procedures on the same claim and has been unsuccessful after the hearing thereon, the clerk may in his discretion compel the claimant to make application to the court for leave to prosecute the claim in the small claims part. The court upon such application may inquire into the circumstances and, if it shall find that the claim has already been adjudicated, or that the claim is sought to be brought on solely for purposes of oppression or harassment and not under color of right, it may make an order denying the claimant the use of the small claims part to prosecute the claim.

NOTE: For a claimant to prevail on any damage claims, pursuant to the Uniform Justice Court Act §1804, the claimant MUST provide the Court either one (1)

temized bill or invoice receipted or marked paid, OR two (2) itemized estimates for services or repairs. Without this prima facie evidence, a claimant is NOT entitled to a money judgment for damages.

By signing below, the claimant has read and understands all the above:

Dated: _____, 20 _____

CLAIMANT

OFFICE USE ONLY: Uniform Civil Rules for The Justice Courts 214.10(f):

Date on which the notice was mailed: _____

Address to which notice was mailed: _____

Date of delivery shown by the return receipt: _____

Name of the addressee or agent signing the receipt: _____