

Dane County Clerk of Circuit Court Small Claims Filing Instructions

The following Small Claims instructions should be followed when filing:

(A) MONEY ACTIONS SEEKING LESS THAN \$10,000.00

(B) EVICTION ACTIONS, AND

(C) PERSONAL REPLEVIN ACTIONS

THESE INSTRUCTIONS DO NOT APPLY TO CONSUMER CREDIT REPLEVINS.

(D) TORT/PERSONAL INJURY

EFFECTIVE JANUARY 1, 2012, THE FILING FEE IS \$94.50 AND ALL CASE TYPES REQUIRE PERSONAL SERVICE. CHECKS SHOULD BE MADE PAYABLE TO “CLERK OF COURTS”.

I. MONEY JUDGMENTS FOR \$10,000 OR LESS

1. ADDRESSES. You need to include complete addresses, including zip codes, for each party.

- Do not use slashes, parenthesis, etc. in the caption. Clearly identify all parties.

2. NUMBER OF COPIES. You must file the original summons and complaint, which is returned to the filer, two copies for each defendant, and one copy for the court. (Example: If you are suing two people in one action, file original and five copies).

3. ATTACHMENTS. If you have attachments you wish to attach to the summons and complaint, you must include enough copies of the attachment for the Court and each defendant.

PLEASE READ ADDITIONAL FILING INFORMATION AT THE END OF THIS DOCUMENT.

II. EVICTION ACTIONS (Dane County Eviction forms are two pages)

1. ADDRESSES. You need to include complete addresses, including zip codes, for each party.

- Do not use slashes, parenthesis, etc. in the caption. Clearly identify all parties.

2. NUMBER OF COPIES. You must file the original summons and complaint, which is returned to the filer, two copies for each defendant, and one copy for the court. (Example: If you are suing two people in one action, file original and five copies).

3. ATTACHMENTS. You must provide one copy of all expired termination notices at the time of filing. If you have other attachments you wish to attach to the Summons & Complaint, you must include enough copies of the attachments for the court and each defendant.

4. APPEARANCES. Eviction actions require personal appearances by all parties.

PLEASE READ ADDITIONAL FILING INFORMATION AT THE END OF THIS DOCUMENT AND ON THE BACK OF THE SUMMONS AND COMPLAINT FORM.

III. PERSONAL REPLEVIN ACTIONS (Dane County Replevin forms are two pages)

1. ADDRESSES. You need to include complete addresses, including zip codes, for each party.
 - Do not use slashes, parenthesis, etc. in the caption. Clearly identify all parties.
2. NUMBER OF COPIES. You must file the original summons and complaint, which is returned to the filer, two copies for each defendant, and one copy for the court. (Example: If you are suing two people in one action, file original and five copies).
3. ATTACHMENTS. If you have attachments you wish to attach to the summons and complaint, you must include enough copies of the attachment for the Court and each defendant.
4. APPEARANCES. Replevin actions require personal appearances by all parties.

PLEASE READ ADDITIONAL FILING INFORMATION AT THE END OF THIS DOCUMENT AND ON THE BACK OF THE SUMMONS AND COMPLAINT FORM.

IV. TORT/PERSONAL INJURY ACTIONS FOR \$5,000 OR LESS

1. ADDRESSES. You need to include complete addresses, including zip codes, for each party.
 - Do not use slashes, parenthesis, etc. in the caption. Clearly identify all parties.
2. NUMBER OF COPIES. You must file the original summons and complaint, which is returned to the filer, two copies for each defendant, and one copy for the court. (Example: If you are suing two people in one action, file original and five copies).
3. ATTACHMENTS. If you have attachments you wish to attach to the summons and complaint, you must include enough copies of the attachment for the Court and each defendant

PLEASE READ ADDITIONAL FILING INFORMATION AT THE END OF THIS DOCUMENT.

ADDITIONAL FILING INFORMATION FOR ALL FOUR CASE TYPES:

- On all of the above case types, be sure to mark the appropriate classification code box (i.e., 31001 if you are filing for a money judgment under \$10,000; 31003 for a replevin judgment; 31004 for an eviction judgment; 31002 for an eviction due to foreclosure; and, 31010 for tort/personal injury judgment \$5,000 or less).
- Submit the summons and complaint form with the required number of copies, along with the correct fee and a SASE (self-addressed stamped envelope) for the return of your copies.
- If you have additional questions, you can contact the Clerk of Court's office at (608) 266-4311 or the Dane County Law Library at (608) 266-6316. The Small Claims Assistance Program is available to the public every Tuesday morning from 9:00-11:30 a.m. Call (608) 266-6316 for location of the assistance program or for other related questions.
- Any party filing subsequent documents with the court after the initial summons and complaint, including requests to reschedule hearings, must send a copy to all other parties in the action and note on the court's copy that this was done. Any documents sent to the court by mail or by fax must be received a minimum of 3 business days prior to the hearing.
- If you need legal advice and do not have an attorney, you can call (608) 257-4666 from 8:00 a.m. to 5:00 p.m., Monday – Friday. **OUR STAFF CANNOT GIVE LEGAL ADVICE.**
- **IF YOU HAVE NEVER FILED A SMALL CLAIMS ACTION BEFORE, WE RECOMMEND THAT YOU COME INTO THE CLERK OF COURTS OFFICE AND FILE IN PERSON.** If you file through the mail, please double check the form and your check to make sure that everything is filled in and signed (the only spaces that you should leave blank are the "dated & mailed" line and the "date of the answer"). If there is a problem with the filing or your check, it will delay the process of the filing. Always enclose a self-addressed stamped envelope with any filing or requests to the court or we will not be able to return your paperwork and receipt to you.