

Small Claims

The Moreau Town Court has jurisdiction over small claims which are cases for money damages not exceeding \$3,000. To file a small claim, you must be 18 years or older; otherwise, the action must be brought by a parent or legal guardian. The defendant must reside, work or have a place of business in the Town of Moreau. The filing fee is \$10.00 or \$15.00 according to the amount you are suing for. A corporation may not file a Small Claim in a Town Court, but they may file one in a City Court (Saratoga Springs or Mechanicville)

Small claims are mailed by both “Certified Mail - Return Receipt Requested” and by First Class Mail. Therefore, a proper mailing address is required. **Post office box addresses are not acceptable.** You must also pay for the cost of mailing.

You must pick up and fill out the application form and bring the form to the Court in person. Do not fill out the section dealing with the date and time of the hearing. A Court Clerk will schedule the hearing when you bring the form to the Court. They will also assist you in filling out the form if you have any questions.

FAQs:

Q: Do I need lawyer in Small Claims Court?

A: Absolutely not, although you may bring one. The procedure is informal and designed to permit individuals to bring and defend claims without being skilled in the law.

Q: I've just received notice of a Small Claim being brought against me. What if I do not appear?

A: The Court may issue a default judgment against you.

Q: I've brought a small claim to recover damages from an auto accident. How do I prove the damages?

A: Bring a receipted bill for the repairs, or, if you have not had the car repaired, bring at least two itemized estimates of the cost of the repairs.

Q: What if my witness cannot come on the trial date?

A: You may have a problem. If the other side is ready and does not consent to an adjournment, the Court can order the trial to go ahead, even without your witness. If you know in advance that a necessary witness may not appear voluntarily, see the Court Clerk about a subpoena.

Q: Will the judge rule on my case on the same day it's tried?

A: It depends upon the nature of the case. The judge may reserve a decision and mail it to the parties.

Q: What about settling the case?

A: You may also be contacted by the Mediation Services of Saratoga, Warren and Washington Counties to see if you are willing to have a trained mediator help settle your case. The Court can provide you with a brochure containing more information on this service if you are interested:

(<http://www.nycourts.gov/courts/townandvillage/pdfs/SmallClaimsHandbook.pdf>)

While you are not obligated to participate in any mediation service, it is often possible to resolve your case on terms agreeable to both parties, without court intervention, through the mediation service. If you settle before the case is scheduled to be heard, please advise the Court Clerk. The Judge may also try to help the parties bring about an amicable settlement in lieu of a trial of the case.

Q: What if I have other questions?

A: For more information, you may pick up a booklet on Small Claims at the Court office or you may view the booklet on-line by clicking on the link below.

A Guide To Small Claims Court

Click here to download a small claims guide.

(<http://www.nycourts.gov/courts/townandvillage/pdfs/SmallClaimsHandbook.pdf>)

NOTE: A guide To Small Claims Court is in Adobe Acrobat format. You can click on the "Get Acrobat Reader" link below to download the program – there is no charge for it.

(<http://get.adobe.com/reader/>)