

State of New York

_____ COURT _____ COUNTY
_____ OF _____ SMALL CLAIMS PART No. _____

NOTICE TO DEFENDANT:

To: _____

TAKE NOTICE THAT _____ PLAINTIFF,
asks judgment in this Court against you for \$ _____ together with costs, upon the following claim:

In agreement with which the Plaintiff hereby signs and demands Judgment.

Plaintiff Signature Address Phone No.
There will be a hearing before the Court upon this claim on _____ 20 _____,
at _____ o'clock _____ M. in the Small Claims Part of this Court held at _____

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.

Dated: _____, 20 _____ Clerk

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 \$10.00 and file an undertaking in the sum of \$50.00 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 \$25.00 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

If at the hearing it shall appear that the defendant has a counterclaim in an amount within the jurisdiction of the part for the hearing of small claims, the judge may either proceed forthwith to hear the entire case or may adjourn the hearing for a period of not more than 20 days or as soon thereafter as may be practicable, at which adjourned time the hearing of the entire case shall be had. **An adjournment shall be granted at the request of the claimant if the defendant did not file the counterclaim with the court within five days of receiving the notice of claim.**

Adjourn to _____, 20 _____, 20 _____, 20

BRING THIS NOTICE WITH YOU.

☐ **AFFIDAVIT OF SERVICE ON INDIVIDUAL(S)**
State of New York, County of _____

SS: _____

being duly sworn, deposes and says, that he resides at _____

and that on the _____ day of _____, _____

at No. _____

, he served the within Notice on the defendant(s) therein

named, by delivering to and leaving a true copy of each thereof with said defendant(s) personally; deponent knew the said person(s) so served as aforesaid to be the same person(s) mentioned and described in said notice as the defendant(s) therein; deponent is over eighteen years of age and not a party to this action.

☐ **AFFIDAVIT OF SERVICE ON A CORPORATION**
State of New York, County of _____

SS: _____

being duly sworn, deposes and says, that he resides at _____

and that on the _____ day of _____, _____

at No. _____

, he served the within Notice on

a _____ Corporation, the defendant therein named by delivering to and leaving a true copy of each

thereof personally with _____

an officer of

said corporation, to wit, its deponent knew said corporation so served as aforesaid to be the same corporation mentioned and described in said notice as the defendant therein, and knew said _____ to be an officer thereof at that time; deponent is over eighteen years of age and not a party to this action.

☐ I asked the defendant whether defendant was in active military service of the United States or the State of New York in any capacity whatever. Defendant told me defendant was not. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations as narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

☐ The person so served was male / female

Color of skin _____

Approximate weight _____ pounds

Hair color _____

Approximate height _____ ft. _____ in.

Approximate age _____

Sworn to me this _____ day of _____, _____

Notary Public - Justice

STATE OF NEW YORK
County _____
Court _____
of _____

PLAINTIFF
against

DEFENDANT
Notice To Defendant
Small Claims Court

Filed this _____ day _____
of _____, _____
Judge - Justice