

SC AFFIDAVIT SAMPLE

SMALL CLAIMS PROCEDURES/FED INFORMATION

YOU MUST APPEAR IN COURT ON YOUR COURT DATE, WHETHER YOU HAVE SERVICE OR NOT.

I The docket will be called at the time and date specified on your paperwork for Small Claims Affidavits and Evictions. When your name is called, please inform the Judge that you are here and whether you are the plaintiff or the defendant.

- A. If the plaintiff is present and there is good service, but the defendant does not appear, the Judge will decide the case.
- B. If the plaintiff is present and there is not good service, the plaintiff must go to the Court Clerk's office to file an Alias Affidavit (FED) and the clerk will give you a minute order with signature for authorization to issue an alias, if the plaintiff wishes to continue with the lawsuit.
- C. If the plaintiff is not present, but the defendant is present, the case may be dismissed.
- D. If neither the plaintiff nor the defendant appears, the case could be stricken or dismissed, depending on service.

2. Good service means that the affidavit or summons has been delivered to the defendant according to the requirements of the law. Unless these requirements are met, the law does not permit the Judge to give the plaintiff judgment. This is true even if the defendant knows the date and time of the hearing.

3. After the docket has been called, there will be a recess for the Judge to sign the Journal Entries (judgments) for those who have received judgment,

- A. Journal Entries must be checked by the bailiff or clerk before presentation to the Judge for signature.
- B. The clerk will prepare the Journal Entries for those who need them after the Judge signs pre-prepared judgments.
- C. When the Journal Entry is presented to the Judge, he/she will determine the right to recover. Please have ready any promissory notes, repair estimates or other documents for the Judge to inspect.
- D. After the Judge has signed the Journal Entry, take it to the Court Clerk's office (fourth floor room 409) to file it.

4. Agreed Journal Entry

- A. During the recess, the plaintiff and defendant may reach an agreement.
- B. If the parties reach an agreement, then the defendant and plaintiff both sign the Journal Entry. The Journal Entry must show the amount owed.
- C. The defendant leaves after signing Entry and the plaintiff may present it to the Court for signature. The plaintiff will then file journal entry.

5. All Journal Entries must be signed on the day they are heard in court unless specific permission is obtained from the Judge.

6. After the recess to sign Journal Entries, the contested cases will be heard. Both parties to the lawsuit are expected to present all witnesses and evidence at that time

7. When the Judge makes a decision, the court will award court costs and attorney fees, if applicable. The Judge cannot help collect the judgment. For advice on how to collect the judgment, consult an attorney

BE SURE TO SIGN YOUR NAME IN FRONT OF THE CLERK

NOTICE

RE: Alias Affidavit –Small Claims

Alias Summons-Forcible Entry and Detainer (F.E.D.)

Your case may be dismissed unless you immediately notify the Clerk for the Judge assigned to your case that the hearing has been rescheduled. Take a copy of the filed alias affidavit or alias summons to the Judge's office after you leave the counter. Inform the clerk of the original hearing date the rescheduled date. Show the document to the clerk to confirm the new hearing date. All Alias need to have an authorization by the Judge's Chambers this is given to plaintiff by Court Room Clerk

SMALL CLAIMS /FED INFORMATION

Small Claims suits may be brought for amounts in controversy not exceeding \$10,000.00

Forms to initiate a Small Claims or FED action are available in the Court Clerk's office. You will need to provide the correct name and address for service on the defendant. You must complete the required forms and designate the type of service.

Small Claims filing fees are:

\$225.39 for a claim from 5000.00 to \$10,000.00, plus service.

\$58.00 for a claim from \$1 to 5,000.00, plus service.

FED filing fees are:

\$160.39 for a claim from 5000.00 to \$10,000.00, plus service.

\$58.00 for a claim from \$1 to 5,000.00, plus service.

Service Fees

Service by certified mail is \$10.48 and \$18.88 for Certified Mail- Restricted Delivery for Small claims affidavits, if defendant is an individual and the Court Clerk does the Mailing Service by sheriff is \$50.00.

Private Process servers set their own rates

FILING FEES ARE TO BE PAID AT THE TIME OF FILING.

Affidavits are set for hearing approximately 4 to 6 weeks after the case is filed.

Evictions are set for hearing approximately 8 days after the case is filed.

The Court Clerk's office is located at 320 Robert S. Kerr Avenue, 4th floor, room 409. Our office is open from 8 a.m. to 5 p.m., Monday through Friday, except on legal holidays.

Edmond Office-Monday through Friday from 8:00 am until 5:00 pm at 7 North Broadway, Oklahoma (NW corner of Main and Broadway closed from 12-1 for lunch)

