

STATE OF NEW YORK : COUNTY OF OSWEGO
CITY COURT : CITY OF FULTON

Phone: _____

Plaintiff,

v.

Index No.:

Phone: _____

Defendant.

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.

Dated: _____

Plaintiff

There will be a hearing before the court upon this claim on _____ at _____ o'clock, ___ M, in the Small Claims Part of this Court, held at 141 S. First St., 2nd Floor, Fulton, NY 13069.

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 DEFENSE. If your defense or counter claim, if any, is supported by witnesses, account books, receipts or other documents, you must bring them to 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 \$5.00 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, state to the court that you require time to pay and show your reason for same.

Dated: _____

Court Clerk

NOTE: If you desire a jury trial, you must, before the day set for the hearing, 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 \$70 and file an undertaking 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 \$25.00 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

A GUIDE TO SMALL CLAIMS COURT IS AVAILABLE AT THE COURT LISTED ABOVE
PLEASE READ ENTIRE NOTICE

CITY COURT OF FULTON

SMALL CLAIMS PART

ALL SMALL CLAIMS MATTERS FILED MONDAY - FRIDAY

8:30 am - 3:30 pm

BY PLAINTIFF IN PERSON OR AUTHORIZED AGENT OF PLAINTIFF

1. FILING FEE: \$15.00 FOR CLAIMS LESS THAN \$1,000.00
\$20.00 FOR CLAIMS MORE THAN \$1,000.00

NO PERSONAL CHECKS ACCEPTED

2. MAXIMUM AMOUNT OF CLAIM \$5,000.00
3. DEFENDANT MUST RESIDE, WORK OR HAVE A REGULAR PLACE OF BUSINESS IN OSWEGO COUNTY
4. CORPORATIONS, PARTNERSHIPS OR ASSIGNEES CANNOT SUE IN SMALL CLAIMS COURT

INFORMATION NEEDED FOR FILING

1. ALL PARTIES' NAME AND ADDRESS
2. ACTUAL DOLLAR AMOUNT FOR WHICH YOU ARE SUING
3. REASON FOR CLAIM (Please make as detailed as possible)

******IMPORTANT NOTICE:******

YOU MUST BE PREPARED FOR YOUR TRIAL AT YOUR FIRST COURT APPEARANCE

You should gather all the evidence necessary to prove your claim or your defense. Anything that you think will help prove the facts in dispute should be brought to court. This includes photographs, written agreements, an itemized bill or invoice that is receipted or marked "paid", written estimates of the cost of the service or repairs, a receipt for the purchase of an item or the payment of a debt, canceled checks, and correspondence. Video tape can be submitted as proof (VHS tapes or CD's). If you rely on estimates, two different written itemized estimates of the cost of the service or repairs are required. If possible, merchandise that is in dispute should be brought to court.

Testimony, including your own, is evidence. Any witness whose testimony is important to your case may testify. This can be a person who witnessed your transaction or someone whose special knowledge and experience makes him or her an expert on the cost of the service or repairs that were provided or may be required.