

Instructions for Filing a Small Claims Action By Mail

In order to commence a Small Claims action by mail, at least one of the following conditions must apply:

- 1) You must reside outside of New York City
- 2) You must be 65 or older with *proof of age*.
- 3) You must be disabled with *proof of disability*.

In addition, you can only be an individual or sole proprietor, not a corporation or any other type of business. The party you are taking to court must either reside, have an office location, or be regularly employed at a location within the five boroughs of New York. You can't sue someone outside of New York City in NYC Small Claims court.

To commence your claim, use form CIV-SC-50. If you don't have a copy, it may be downloaded at:

<http://www.nycourts.gov/courts/nyc/smallclaims/forms.shtml>

FEES:

The filing fee is currently

\$15 for a claim up to and including \$1000

\$20 for a claim over \$1000, to the maximum Small Claim of \$5000.

SPECIAL WAGE CLAIM: If you're claiming for wages only, to a maximum of \$300, you may file a wage claim, for which the fee is \$5.58 for postage.

If your case has multiple defendants (you believe more than one party is responsible, such as husband and wife), you must completely fill out a separate form for each defendant. However, you will not be charged a fee for the additional defendants. Note: Do not use the OTHER INFO field to add more defendants. Leave it blank except when needed for additional necessary information such as "Attention to" or "Doing business as." Also, be sure to provide the full, correct name and address of the person or business that you are suing. If you are uncertain of a legal business name, you may examine the County Clerk's records in the County where the business is located. Note that the County Clerk generally requires you to appear in person to do so. Most businesses may also be found by a "search for corporations or business entities" at the NY State Department of State website:

<http://www.dos.state.ny.us/>

PAYMENT:

You may pay your claim by Bank Check, Teller's Check, Certified Check, or Money Order. You may also submit an attorney's check which indicates "attorney-at-law" or a comparable marking on the preprinted check. Checks should be made payable to "Clerk, Civil Court." We do not accept non-certified personal or company checks. Do not send cash by mail.

Your hearing will be scheduled for an evening approximately six weeks from the date that we receive your Statement of Claim form. You may request a daytime hearing *if you submit proof* that you are 65 or older, disabled, or you work evenings. We will also send you an "Instructions to Claimant" form containing your Index Number, Court Date, and time to appear. Be sure not to lose this form, and bring it with you whenever you appear in court. Finally you will receive a "Guide to Small Claims Court." This booklet may also be downloaded at: <http://www.nycourts.gov/courts/nyc/smallclaims/pdfs/smallclaims.pdf>

Note: If you do not qualify to send your claim by mail, there are private vendors online through which you may file your claim on the internet for an additional fee. A list of court-approved vendors is located at:

<http://www.nycourts.gov/courts/nyc/smallclaims/startingcase.shtml#electronic>

MAIL:

- 1) Your completed and signed SC-50 Statement of Claim form,
- 2) Your check for payment
- 3) If needed (see above) a photocopy of your proof of age, disability or nighttime employment.
- 4) A self addressed 6"x9" envelope with 89 cents postage (3 ounces) to the appropriate Small Claims Court. A list of addresses and phone numbers is at: <http://www.nycourts.gov/courts/nyc/smallclaims/locations.shtml>