**Information for Suing Someone in Small Claims**

*This information sheet is intended for those seeking to sue in small claims court. It explains rules and general information pertaining to small claims proceedings at Carlin Justice Court.*

**THE COURT CLERK IS NOT ABLE TO OFFER LEGAL ADVICE OR PERSONAL INFORMATION UNDER ANY CIRCUMSTANCES.**

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**WHAT IS SMALL CLAIMS COURT?**

Small Claims Court is a special court where lawsuits for $10,000 or less are decided (NRS 73.010). You must be at least 18 years of age to file a small claims case. The person filing the suit is referred to as the plaintiff. The person being sued is the defendant.

**IS CARLIN JUSTICE COURT THE CORRECT VENUE?**

You may file your small claims case in Carlin Justice Court if:

• the defendant currently lives, works or does business within the Carlin Township;

• the defendant lived, worked or did business within Carlin Township at the time of the incident for which you are suing;

• the case involves injury to person or property where the injury occurred in Carlin Township; and/or

• the contractual obligation was to be performed, or is supposed to be performed, in Carlin Township. If you are not sure which township is the correct one, it your responsibility to determine which court to file this your Affidavit and Complaint with.

**WHAT ARE THE BASIC STEPS TO FILE A SMALL CLAIMS SUIT?**

1. Send a formal demand letter. You must send a formal written demand for payment to the defendant via Certificate of Mailing before you may file a small claims case. The letter must state the exact amount you are seeking and why you believe you are entitled to it. In the letter state that you intend to file an action in Small Claims Court if the matter is not resolved within 10 business days. Send separate demand letters to each person or business you plan to sue. Keep a copy of the demand letter(s), the Certificate of Mailing receipt(s) to file with the court.

If the defendant is a business, the business must be named and the claim served on the corporate officer or the resident agent. Information may be obtained from the Secretary of State website at <https://esos.nv.gov/EntitySearch/OnlineEntitySearch>.

1. Wait at least 15 days after mailing the formal demand letter and then file the required forms with the court. The following forms need to be included in your filing:

• Affidavit of Complaint. Carlin Justice Court will provide you with the form when you come to the window.

• Copy of the formal demand letter;

• Certificate of Mailing (proof of mailing) the demand letter;

• Filing fee

1. The Affidavit of Complaint.

It the plaintiff’s responsibility to have the Elko County Sheriff Office serve the defendant the Affidavit of Complaint.

If the defendant has not been served the affidavit the court cannot go forward with trial.

4. Prepare for trial. Organize and clearly mark evidence, receipts, and books that you feel necessary to prove your case. Bring at least three copies of any evidence that you wish to present to the court (one for you, one for the judge and one for the defendant). Print out text messages and copies of emails. Do not expect the judge to read messages from your cell phone.

1. The court assigns a court date at the time the claim is filed. The court date is NOT negotiable under normal circumstances. Contact the court at least one day prior to the assigned court date to confirm date and time.

**WHAT HAPPENS AFTER JUDGMENT?**

The court may order one party to pay money to the other party. The party who wins the case, and is owed the money, is called the judgment creditor. The party who loses the case, and owes the money, is called the judgment debtor. It is up to the judgment creditor (not the court) to collect from the judgment debtor. If the judgment debtor does not voluntarily pay the judgment, the judgment creditor can collect money from the judgment debtor involuntarily. This is called “executing” the judgment. It is the judgment creditors’ responsibility to investigate the defendant’s place of employment, real property, bank account, etc. to ensure that the judgment is collectable

**HOW MUCH IS THE FILING FEE?**

FILING FEE AND AMOUNT OF CLAIM

$46.00 If the sum claimed does not exceed $1,000.00

$66.00 If the sum claimed exceeds $1,000.01 but does not exceed $2,500.00

$86.00 If the sum claimed exceeds $2,500.01 but does not exceed $5,000.00

$126.00 If the sum claimed exceeds $5,000.01 but does not exceed $7,500.00

$176.00 If the sum claimed exceeds $7,500.01 but does not exceed $10,000.00

**WHERE CAN I GET MORE INFORMATION?**

Carlin Justice Court

101 South 8th street, Carlin, NV 89822

775-754-6321

[carlincourts@elkocountynv.net](mailto:carlincourts@elkocountynv.net)

[www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org)

*From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*City, State ,Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_*

*Telephone No: (\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

**CERTIFICATE OF MAILING REQUIRED**

*Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*City & Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,* Nevada \_\_\_\_\_\_\_\_\_

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

This letter is a demand for payment in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I believe I am owed this amount as a result of the following facts and circumstances: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You are hereby informed that you have ten (10) days from the date of this letter to pay the demanded amount or to make a satisfactory arrangement with me to fully resolve this matter.

My contact information is listed above. In the event this matter is not resolved to my satisfaction, then I intend to file an action in Small Claims Court where I will also request that you pay the costs of suit associated with having the matter heard by the court. Please guide yourself accordingly.

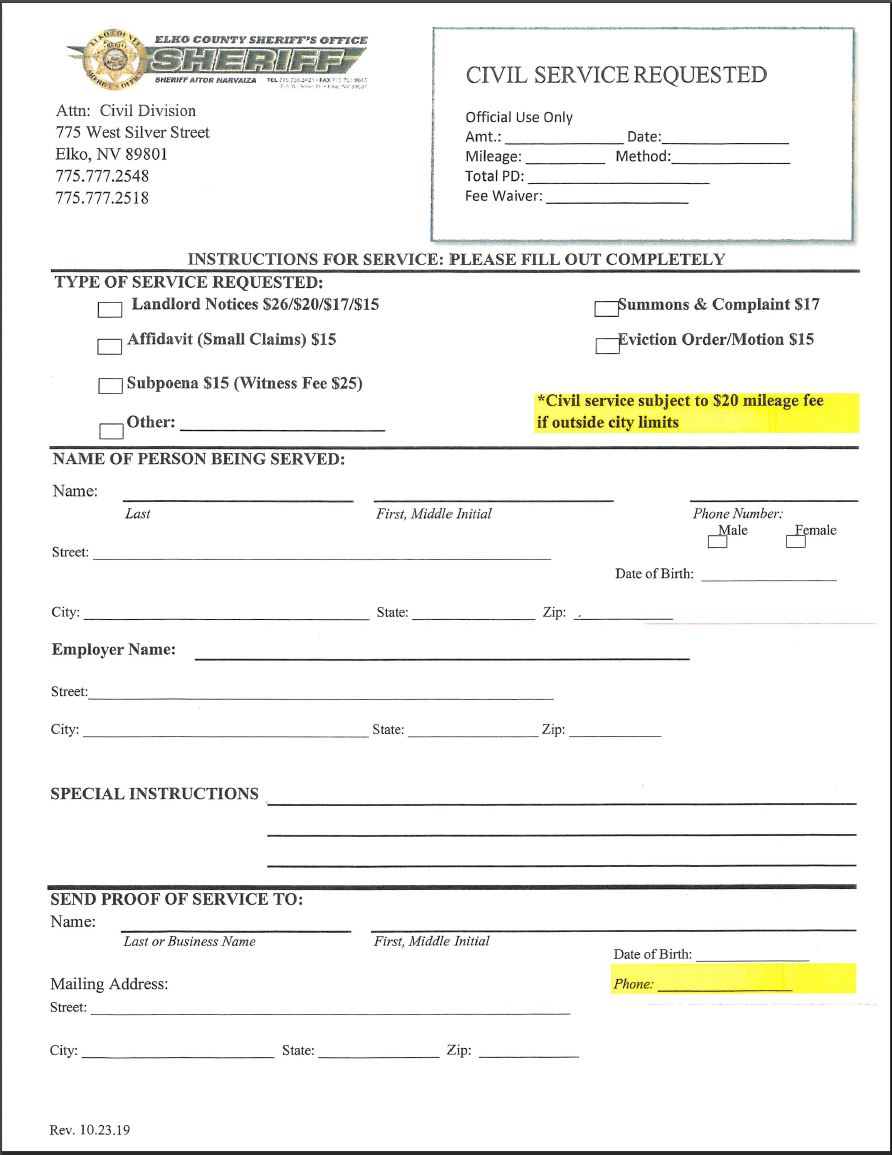
Sincerely,

*Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Printed Name:* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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