

CHESTERFIELD COUNTY MAGISTRATE OFFICE

SUMMONS & COMPLAINTS

200 W. Main St. Chesterfield SC 29709 PH: 843.623.9009 FAX: 843.623.3494

**COURT CLERKS/JUDGES ARE NOT PERMITTED
TO GIVE LEGAL ADVICE OR EVALUATE YOUR CASE.**

JURISDICTION: Magistrate's Court has a jurisdictional limit of \$7,500.00 or less.

FILING: The filing fee is \$80.00, which includes a \$10.00 service fee. Please provide the Court with a clear and accurate address for the defendant. You can also provide us with a work address for service.

VENUE: The Defendant is the person or business being sued and must be a resident or located in Chesterfield County.

PROPER NAME: When filing against a person, that person's proper name must be listed in the Complaint. If filing against a corporation, the service must be upon a corporate officer or registered agent and the proper name of the corporation must be listed as the Defendant. Registered agents can be located online at S.C. Secretary of State's Office www.sos.sc.gov.

COMPLAINT: All small claims actions should be filled out on the standard forms provided through the Court unless filed by an attorney. Claims submitted to the Court must be legible, explain why the complaint is being filed, and must include such things as invoice numbers, dates, check numbers, or verification of whatever other transactions exist between parties.

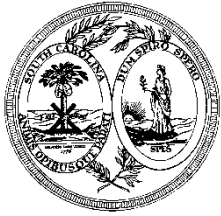
SUMMONS: After filing the complaint with the appropriate fees, the Magistrate Court will issue a Summons with instructions to the Defendant(s), requiring the Defendant(s) to file a written Answer on forms provided by the Court within thirty (30) days after service of the Complaint.

ANSWER: If the Defendant(s) fails to file an Answer to the Complaint within thirty (30) days of service, the Complaint and facts therein are admitted as true. Once the answer is filed with the Court, a copy is mailed to the Plaintiff(s). If indicated, a court date will also be mailed to both parties.

DEFAULTS: If the Defendant(s) does not answer the Complaint within the thirty (30) day period, the Plaintiff(s) may receive a Default of Judgment. A Default Hearing will be held after the thirty (30) day Answer period has ended. A Default Judgment may be awarded at that time.

COUNTERCLAIMS: There is no fee to file a Counterclaim. The Counterclaim will be mailed to the Plaintiff(s) with a Counterclaim Answer Form and instructions.

TRIAL IN ABSENCE: If the Plaintiff(s) does not appear on the day of trial, the action is usually dismissed. If the Defendant(s) does not appear on the day of trial, the Plaintiff(s) may proceed with testimony and a Judgment may be issued. Either party may request the case to be reopened in writing to the Court with good cause proven within ten (10) days of the trial date.



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EVIDENCE: A written, notarized, out-of-court statement cannot be used as evidence. Any witness for either side must appear in person on the trial date to testify. Submit this information to the Court two (2) weeks prior to the assigned court date.

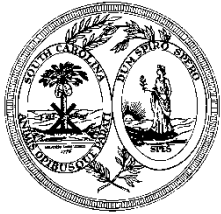
SERVICE: The Summons is served by the Chesterfield County Sheriff's Office. The Court will send a notice of non-service when a Complaint is returned, which requires the Plaintiff(s) to submit a new address along with a \$10.00 service fee within thirty (30) days from the date of the letter; otherwise, the case will be dismissed.

JUDGMENTS: If the Court issues a written judgment in the action, upon payment, the non-prevailing party is obligated to file a Satisfaction of Judgment with the Court. If the judgment is unpaid, the prevailing party may request a Transcript of Judgment and an Execution against Property, which may be filed with the Chesterfield County Clerk of Court's Office and will be on record for ten (10) years and draw interest at a statutory rate.

JURY TRIAL: Either party has the right to request a Jury Trial. This request must be made in writing at least five (5) days prior to the assigned court date.

APPEAL: An appeal must be filed in writing within thirty (30) days from the notification of decision of the Court.

BUSINESSES: If you are representing a Plaintiff or Defendant business and are not an attorney, the authority of that business must file a Non-Lawyer Representation Form. This form must be filed with the Complaint or Answer. Please ask the court clerk for a form or you may download one at www.sccourts.org, Magistrate Court Forms and Rules.



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STATE OF SOUTH CAROLINA)

COUNTY OF CHESTERFIELD)

PLAINTIFF)

STREET ADDRESS)

CITY, STATE ZIP)

TELEPHONE)

VS.)

DEFENDANT(S))

STREET ADDRESS)

CITY, STATE ZIP)

TELEPHONE)

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

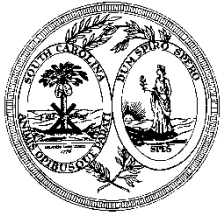
COMPLAINT

I, _____, the plaintiff in this civil action do make the following claims:

1. I believe the defendant, _____, is a resident of _____ County, and resides at _____ which is within Chesterfield County's magisterial jurisdiction or this Complaint is properly filed in Chesterfield County.

2. I make this complaint on the following:

_____ (Attach supplement if necessary)



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3. I believe, because of the above information, that I am entitled to and do request a judgment for \$_____ and/or other relief as below requested: _____ including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Dated: _____

Signature of Plaintiff (or attorney)