

**CIRCUIT COURT OF JACKSON COUNTY,  
MISSOURI**



**COURT ADMINISTRATOR'S OFFICE  
SMALL CLAIMS BOOKLET**

## **SMALL CLAIMS COURT FILINGS**

Western Jackson County  
(Kansas City, Grandview)

Jackson County Courthouse  
3rd Floor - Associate Circuit Judges' Records  
415 E. 12th Street  
Kansas City, MO 64106  
(816) 881-3983

Eastern Jackson County  
(Blue Springs, Independence, Lee's Summit, Raytown, etc.)

Jackson County Courthouse Annex  
308 West Kansas Avenue  
1<sup>st</sup> Floor – Civil Records  
Independence, MO 64050  
(816) 881-4493

### **NOTICE TO THOSE WISHING TO FILE A SMALL CLAIM**

The clerks of these offices will explain and provide all forms and pleadings necessary for the presentation of your claim or counterclaim to the Court Monday through Friday from 8:00 a.m. to 5:00 p.m. You may check your case status at anytime via Case.net at [www.16thcircuit.org](http://www.16thcircuit.org), and you may follow your case and receive updates using the “Track This Case” option in Case.net.

If an attorney, party or witness to any of the proceedings will require an accommodation for a disability as defined by the Americans with Disabilities Act, please contact the ADA Coordinator at 881-3652.

Small Claims Court is designed to settle uncomplicated disputes of \$5,000.00 or less. However, filing a small claim can be far from uncomplicated: The information below is important to the success of your claim. Please Read It Carefully:

## **I. THE PETITION**

### **A. THE PLAINTIFF AND DEFENDANT**

1. In Small Claims Court plaintiffs act as their own attorney unless they choose to retain an attorney to represent them. The plaintiff must complete all forms and present their own evidence in court. The Court provides all forms necessary for the filing of a small claims case. They should be filled out by the plaintiff and must be legible, printed in black ink or typed.
2. The plaintiff must properly identify himself both on the petition in the upper left-hand corner, then again when he signs the complaint. If there is more than one plaintiff, both must sign the petition.
3. It is essential that you name the defendant properly. If you do not, the judge may dismiss your case or you may not be able to collect your judgment.
4. As a general rule, there are three types of plaintiffs and defendants. The following are examples of how each must be listed on a small claims petition:
  - a) An individual is listed as "John Doe"
  - b) An unincorporated business or a partnership is listed as, "John Doe and James Roe d/b/a Roe's Tractor"
  - c) A Corporation is listed as:  
Doe's Tractor, Inc.  
(Serve) John Doe, Registered Agent  
(or) James Roe, President

### **FOLLOW THESE INSTRUCTIONS**

5. To find out if a business is incorporated, contact the Secretary of State's Office. The phone number is (816) 889-2925. The website is www.sos.mo.gov.
6. Ask them if the business is incorporated.
7. If it is incorporated, ask for the name of the registered agent and his address. The Secretary of State's Office will provide this information over the telephone free of charge or you can send \$5.00 and a request for this information to: Corporation Information, Secretary of State's Office, 615 East 13th Street, Room 513, Kansas City, Missouri 64106.

8. If the business is not incorporated, but is a partnership, you must find out who the partners are. You must sue and serve each partner individually. (The Secretary of State's Office may also be able to help you with this information.)

Information about ownership may also be available through City Hall, **OCCUPATIONAL LICENSES**, in the city where the business is located. If the business is located in Kansas City, the number is (816) 513-1135; in Independence the number is (816) 325-7079; in Lee's Summit the number is (816) 969-1220 and in Blue Springs the number is (816) 228-0131.

If you are suing more than one defendant, list each by number on your petition.

## **B. YOUR COMPLAINT**

1. When writing out your claim against the defendant, please be brief and to the point. Use exact dates and locations; do not stray off the subject.
2. Be sure and sign the petition at the bottom. If you are acting as an agent for a business or corporation, be sure and sign your name, your capacity in the business, and the business' legal name.

## **C. FILING THE PETITION**

1. Where to file (venue)
  - a) You can file your small claim: (i) in the county where the defendant resides; (ii) in the county where the transaction occurred; or (iii) in the county where the plaintiff resides and defendant may be served.
  - b) In Jackson County, venue is split between the Western and Eastern portions of the County. If your venue lies on the Western side of Jackson County (Kansas City, Grandview, etc.) then you should file your claim at the Kansas City Courthouse located at 415 East 12th Street. If your venue lies on the Eastern side, (Blue Springs, Independence, Lee's Summit, etc.) then you should file your claim at the Independence Courthouse located at 308 West Kansas.

### 2. Fee Information

Filing Fees: - \$27.00 + service fee

Service Fees:

a) Certified Mail - \$ 10.00 (Each Defendant)

- b) Out of County Service - You must call the sheriff of the county where the defendant will be served to inquire about service fees.
- c) Personal Service by Deputy (Jackson County only) - \$36.00 (Each Defendant)
- d) Private Process Server (Hired by Plaintiff) - No Fee  
A Motion and Affidavit for Private Process Server must be filed and an order must be signed by the Judge.  
A service return must also be filed with the Court.  
(These forms are available from the Small Claims clerk.)

Garnishment Fees:

- Request for Execution/Garnishment - \$10.00 Garnishment Clerk Fee plus service fee for the County the Garnishee is in (Jackson County \$36.00)

3. The Court accepts personal checks numbered over 500.

All checks or money orders should be made payable to the Department of Civil Records.

All cash transactions, should be done with exact change, as the Department of Civil Records has limited access to funds for change.

4. Although not required, we recommend personal service in almost all cases to avoid possible delays. Plaintiffs should be aware that service is not guaranteed by the Jackson County Circuit Court.
5. Your defendant must receive a copy of the summons and your petition or make an appearance in court before your case will be heard. At least one week before your court date, call to make sure the defendant has been served. You may obtain this information on the website www.16thcircuit.org. If service was made by a Jackson County Deputy, call Civil Process at (816) 881-3644 for service information.

If the defendant has not received his summons and petition, you may have to provide our clerk with another address at which to attempt service, and request an "alias summons". You will need to complete form #1699 for this request and pay an additional service fee.

6. You will receive a receipt listing the court date, time, and division in which your case will be heard.

7. If you have specific questions regarding your claim or court fees, you should call either the Kansas City Courthouse Small Claims clerk at (816) 881-3983 or the Independence Courthouse Small Claims clerk at (816) 881-4493. Please be advised that the clerks are **not** allowed to provide legal advice.

## MAIL-INS

The Court Administrator's Office suggests that you not mail your small claims petition. However, if you do mail in your petition, please mail all copies back to the court, along with a stamped, self-addressed envelope so we can return a copy to you with a case number, court date, time of hearing and division assignment.

## **II. THE COURT HEARING**

### **A. BEFORE COURT**

Mark your court date on a calendar that is looked at often. **IF YOU MISS YOUR COURT DATE, YOUR CASE MAY BE DISMISSED.** If you fail to show up and your case is dismissed, you cannot re-file your claim in Small Claims Court.

Write the details of your claim down on a piece of notebook paper. This will help you in court when the judge asks you questions.

### **B. DURING COURT**

Show up on time. If you arrive late, your case may be dismissed.

Please observe proper dress and decorum in the courtroom.

Be courteous to both the judge and the defendant.

Have all your evidence (pictures, papers, estimates, witnesses, etc.) available to the judge.

Once the judge announces his decision, he cannot help you any further. If you have any questions, please direct them to the Small Claims clerk who helped you file this claim.

### **C. AFTER COURT**

Pursuant to Section 482.365 RSMo a judgment from small claims court shall **not** be a lien on real estate.

It is not uncommon for the defendant to leave the courtroom without volunteering payment even though you obtained a judgment against him. The best, and often only, way of collecting a small claims court judgment is by GARNISHMENT. After you obtain a judgment against the defendant, you should wait 10 days before you come back to court to begin garnishment procedures. The Small Claims clerk provides forms. Each party has the right to a Trial de Novo, which is similar to an appeal. The cost is \$82.00 (cash or check at the time of filing)

and the form is called an "Application for Trial de Novo." It must be filed within 10 days of the day judgment is rendered. (The ten-day period INCLUDES weekends. Do not count the day you received your judgment.)

**NOTE:** To prevent execution (i.e., garnishment) a bond must be posted at the time a trial de novo is filed. See the Small Claims Clerk for further information.

If either party files an appeal, your case is then assigned to a circuit judge and the Court Administrator's Office can no longer provide you with assistance or forms.

### **III. COLLECTING YOUR JUDGMENT**

#### **A. SUGGESTIONS TO HELP YOU IN COLLECTING YOUR JUDGMENT**

As mentioned above, once you have a judgment against the defendant, you may have to use legal procedures to collect your money.

In Small Claims cases the most frequently used procedure is called a GARNISHMENT. In order to garnish you have to first locate some CASH ASSETS of your debtor in the State of Missouri. These might be found in the form of a PAYCHECK from an employer or a BANK ACCOUNT. A Missouri judgment will not automatically transfer to another state. If your debtor's assets are located out of Missouri, you may have problems collecting.

EMPLOYEE WAGES are the surest form of collection. If you must garnish a BANK ACCOUNT, you should be aware that if someone other than the defendant is also named on the account, there might be problems unless the judgment is against the other person as well. For example, if you sue John Jones, you can garnish the bank account of John Jones. However, if he has a joint account with his wife, Mary, and you do not have a judgment against her too, then you may have problems collecting the garnishment funds if the defendant can prove that the funds in the account belong to the spouse.

You should also be aware that a judgment debtor has the right to certain statutory exemptions from garnishment that may limit your ability to collect the debtor's monies.

The following may be helpful in discovering where someone banks or works:

- Has the defendant ever written you a check or given you records, which might indicate where he banks or works?
- Did you ever write the defendant a check? If so, look at the reverse side to see if it was deposited in the defendant's bank.
- Talk to businesses or other persons who might know about the defendant. Be careful not to harass the defendant.
- Examine court records. These might help to provide you with more details concerning the location of the debtor's assets.

- Check with the Recorder of Deeds to conduct a search of personal property liens on the first floor of the courthouse in the Records Department.

## **B. EXECUTING ON YOUR JUDGMENT**

When you have located assets of your judgment debtor in the State of Missouri, you can use legal means to collect the money owed you. FOLLOW THESE INSTRUCTIONS:

### **1. REQUEST FOR EXECUTION**

Complete the Request for Execution or Garnishment (form #1695) and the Interrogatories to Garnishee (form #1665). These forms are available on [www.16thcircuit.org](http://www.16thcircuit.org)

- a) Provide the name and address of the Garnishee, i.e., the person or company who owes money to the judgment debtor. This is generally an employer or bank.
- b) Each execution "runs" for a specific length of time. In other words, an employer or bank (the GARNISHEE) will withhold money owed your debtor for not less than 30 days, as specified by you on your Request for Execution.
- c) Usually, if you are executing against a bank account, your garnishment should have a "return date" of no more than 30 days. However, if you are executing against the debtor's wages your garnishment should probably run for at least 180 days, or you may wish to use a continuous wage garnishment.\* **SPEAK TO THE GARNISHMENT CLERK IF YOU HAVE QUESTIONS.**

\* If you file a continuous wage garnishment, you will be required to file a Statement of Judgment Balance as required by law, otherwise the garnishment may be dismissed. The form may be found on the Court's website, in the Execution-Garnishment Forms section under Forms link on the Department of Civil Records webpage. The clerks cannot advise you on how to fill out this form.

### **2. RETURN DATE & INTERROGATORIES**

- a) The last day the garnishee may withhold money from your debtor is called the RETURN DATE.

For example: If you requested that your execution be returnable in 60 days, then the 60th day from the date the garnishment is issued is the "return date".

- b) One week after requesting your garnishment, you should check Case.net to determine the return date of your garnishment. The return date is how long your garnishment will be active, and allow a garnishee to withhold funds from the judgment debtor.



- c) Before the garnishment will be issued, you must complete a portion of the INTERROGATORIES (i.e. questions) for service on the garnishee. This set of questions asks the garnishee how much money has been withheld from your debtor. (The court clerk sends these interrogatories to the garnishee with the garnishment papers.) The garnishee must answer these interrogatories and return one copy to you and one copy to the court within ten (10) days of the return date, or in the case of a continuous wage garnishment, within twenty (20) days from the date on which the garnishee was served with the request for garnishment.
- d) If you do not receive the completed interrogatories from the garnishee by 10 days after the return date, or 20 days after return date of a continuous wage garnishment, it is suggested you call the garnishee and see if there is a problem.
- e) If your garnishee refused to comply with your execution, you may have to retain an attorney. At this point, the Court Administrator's Office can no longer help you.
- f) Once you receive the answered interrogatories, completed by the garnishee, you should receive a check from the Court Administrator's Office approximately fourteen (14) days after the garnishee sends the money to the Court.

**C. SATISFYING THE JUDGMENT**

Once you have completely collected any and all funds awarded to you by the Court, through garnishment or other means of collection, you must file a Satisfaction of Judgment form with the Court. This form is available on [www.16thcircuit.org](http://www.16thcircuit.org)

**SMALL CLAIMS WORKSHEET**

This information should be completed prior to completing a Petition and should be retain for your records

(This form is not to be filed with the Court, it is intended for your use in gathering necessary information to file your Petition)

1. Is the defendant an individual? If so, complete the upper left-hand section of the petition as shown below, then skip to QUESTION # 6.

Individual's Name \_\_\_\_\_  
 Defendant(s)  
 Address \_\_\_\_\_  
 City, State Zip \_\_\_\_\_

2. If you are suing a **BUSINESS**, it is essential you name them properly on your Small Claim Petition. You need to call the Secretary of State's Office at 889-2925, to determine if the business you are suing is legally incorporated in the State of Missouri.

***Is your defendant a corporation?***                       *Yes*                       *No*

3. If your defendant is a corporation? You must have information regarding one of the following: (either/ or)

Corporation's Name: \_\_\_\_\_  
Registered Agent: \_\_\_\_\_  
 (*Secretary of State can provide you with this information*)  
 Address: \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

**OR**

Corporation's Name \_\_\_\_\_  
Officer of Corporation: \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

4. If your defendant is a partnership, you must list the name of all partners followed by "d/b/a" (doing business as), then list the company business name, as shown below. **SERVE THE INDIVIDUALS**

\_\_\_\_\_ d/b/a \_\_\_\_\_  
 Partner's Name                                              Company's Name

\_\_\_\_\_ d/b/a \_\_\_\_\_  
 Partner's Name                                              Company's Name

5. If your defendant is **NOT** a corporation or partnership, you need to know the individual owner's name. You **MUST** sue the owner, d/b/a the business or company. Your petition should read as follows:

Defendant's Name (Owner) \_\_\_\_\_  
 d/b/a (doing business as) \_\_\_\_\_

6. Can you collect the judgment if you win? You must have information regarding one of the following:

A) Defendant's Bank Account (must be in Missouri)  
 Is the account      Individual or    Joint?  
 Name of Bank \_\_\_\_\_  
 Address of Bank \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

B) Defendant's Employer (\*\*Be aware that your debtor should be employed in the State of Missouri or there may be complications with garnishment of wages.)  
 Name of Employer \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_