



## OFFICE OF THE CIRCUIT CLERK

Circuit Court of St. Louis County  
105 South Central Avenue  
Clayton, Missouri 63105

### JOAN M. GILMER

*Circuit Clerk*

This pamphlet is intended to assist you in filing a Small Claims case in the St. Louis County Circuit Court. The pamphlet describes the Small Claims Division, who can sue in Small Claims, for what you can sue, advice on trying to settle a problem, and what you need to do before filing a claim.

The pamphlet will also assist you if you are a defendant and receive a summons to appear in court. It informs you of your rights and responsibilities, how you can settle the case, and how to file a counterclaim.

The pamphlet further explains how to prepare for trial, file an appeal if you do not agree with the decision, and how to collect a Small Claims judgment.

- The Small Claims pamphlet and forms may also be accessed at [www.stlouisco.com/LawandPublicSafety/CircuitCourt/SmallClaims](http://www.stlouisco.com/LawandPublicSafety/CircuitCourt/SmallClaims)

I hope this pamphlet is useful and informative. You may also reach the Small Claims information line by calling (314) 615-8091. If you have additional questions, please call our Small Claims office at (314) 615-2601 or (314) 615-2592. The Small Claims clerks will be pleased to assist you.

- After filing your Small Claims case, you may access your case information at [www.courts.mo.gov/casenet](http://www.courts.mo.gov/casenet)

**SPECIAL NEEDS:** If you have special needs addressed by the Americans with Disabilities Act, please notify the Office of the Circuit Clerk either at 314-615-8029, FAX 314-615-8739, email at [SLCADA@courts.mo.gov](mailto:SLCADA@courts.mo.gov), or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

Sincerely,

Joan M. Gilmer  
Circuit Clerk

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## **WHAT IS THE SMALL CLAIMS DIVISION?**

The Small Claims Division was established to help people handle Small Claims cases of \$5,000.00 or less, with or without an attorney. The law allows court clerks to assist you in filling out all forms and pleadings necessary for the presentation of your claim or counterclaim, but only you can decide who to sue and where to have the defendant(s) served. Upon filing, you must complete the Small Claims petition, cover sheet, and confidential information/filing sheet. Sample forms are inserted in the center of this pamphlet for your convenience. If you believe you need an attorney to protect your interests, you may hire one to represent you. Small Claims cases must be filed in person at the Small Claims office, unless you reside out of state.

If an attorney is filing the Small Claims case for you, **the case must be e-filed by the attorney.** However, you can file the case yourself and have the attorney enter his/her appearance after the case is initiated if you prefer to do so.

## **WHO CAN SUE IN THE SMALL CLAIMS DIVISION?**

1. An individual may file a claim if he or she is personally owed money. An individual cannot file a claim in the Small Claims Division for someone else who is owed money (i.e., mother, sister, uncle, friend, etc.).
2. An officer or authorized employee may file a claim for a corporation or unincorporated association which is owed money.
3. An individual under 18 years of age may file a claim if accompanied by a "Next Friend." A "Next Friend" is someone (relative or friend) who is at least 18 years of age and willing to act on the individual's behalf.
4. An individual may file no more than 12 claims during a calendar year.
5. An assignee (a person or company who has purchased the right to a claim) **cannot** sue in the Small Claims Division.

**Please keep in mind that the Small Claims Division can only be used to sue for actual money that is owed to you.** Pain and suffering, defamation of character, discrimination, etc. cannot be sued for in the Small Claims Division.

## **WHAT IS A SELF-REPRESENTED LITIGANT (“PRO SE”)?**

When you file a claim yourself, you are filing as a self-represented litigant, which means that you are acting as your own attorney; this is also known as filing “pro se.” You are expected to do your own research regarding who you are going to name as the defendant(s), the correct address or addresses of the defendant(s), the proper wording of your petition, and keeping track of whether or not the defendant(s) was/were served. **Remember, Small Claims clerks cannot provide you with any legal advice.**

## **SMALL CLAIMS DIVISION LIMITATIONS**

The Small Claims Division is limited by law as to what it can do for you. The Small Claims Division **CAN ONLY HANDLE CLAIMS FOR MONEY** and is limited to a court judgment in an amount up to \$5,000.00. The judge may, however, also award any interest owed and the amount paid for court costs.

If you have a claim for more than \$5,000.00, you are not deprived of the right to sue in the Small Claims Division. However, if you choose to proceed, you give up the right to recover any amount greater than \$5,000.00 which might be owed to you. You **cannot** sue at a later date for the balance, and you **cannot** split your claim into two separate suits totaling over \$5,000.00.

**The Small Claims Division cannot force anyone to return property to you, nor can it be used by landlords to evict tenants or to collect rent owed.** Furthermore, THE COURT IS NOT RESPONSIBLE FOR COLLECTING THE MONEY THAT THE JUDGE MAY DETERMINE IS OWED TO YOU. If you are awarded money by the judge, it is up to the plaintiff(s) and the defendant(s) to work out payment. (See “Collecting a Small Claims Judgment,” page 12.)

Some examples of Small Claims cases include:

- A former tenant sues a former landlord for the refund of a security deposit
- A homeowner asks for money damages from a roofer who did not repair the roof properly
- A car owner sues the driver or owner of the car who hit and damaged his/her car

Depending on the type of claim you are making, you have a certain amount of time in which to file the claim. This time limit is called the **statute of limitations**, and you must file your claim before the time period expires. The time period begins to run when the injury or damage occurs, or when the injury or damage should have been discovered.

The time period allowed varies with different types of claims. Claims for injury to your person or property and claims for money damages for breach of contract must be filed within **five (5) years**. Claims to recover money for breach of a written promise to pay must be filed within **ten (10) years** from the date of the written contract. The time periods for other types of actions vary; however, a plaintiff generally has two years to file his claim. To be safe, you should file your suit as soon as possible after the event giving rise to your cause of action.

## **BEFORE YOU SUE, TRY TO SETTLE**

Before you decide to sue someone for money you believe is owed to you, there are several things you should consider.

First, have you tried to settle your problem with the person you feel owes you money? There are many alternatives to going to court. You should make a request for payment of the person you believe owes you money. This request can be done in person, over the telephone, or by writing a letter. If you write a letter, you may want to include copies of receipts. Keep a copy of the letter and the original receipts, so you will have them available if you decide to sue. If your problem involves a business, you may want to try another way to settle before you sue. Take your problem to the Better Business Bureau. The Bureau often acts as a middleman in settling claims by agreement of both parties. If you are not satisfied, you do not have to accept the other side's offer. Also, there are consumer protection agencies in some areas that may be of service to you. Telephone numbers and addresses are included in the back of this pamphlet.

Second, you must decide if you think you are able to protect and defend your own interest. Ask yourself such questions as: Can I explain my problem and make myself understood in court? Does the person I want to sue have a claim for money against me? (If the answer to this last question is "yes," remember that the other side has a right to tell the court about it and have the judge decide who is owed what). If you feel you need a lawyer, you may bring one.

Finally, if you do bring suit and you do win, will you be able to collect any money? Read the section on collecting a Small Claims judgment; you might be able to save yourself time and money. If after you've considered the

alternatives and are still unable to settle your problem, you may wish to file a claim in the Small Claims Division.

If you decide to file a Small Claims case, court costs and fees are required to use the Small Claims Division (see page 6). If the person you are suing files a claim against you in the same case you file (called a counterclaim), the judge may decide that you (plaintiff) owe money to the person you are suing (defendant). The Small Claims Division should only be used as a last step. If the judge finds you are using the Small Claims Division to harass someone, your case may be thrown out (dismissed) and your court costs lost, and your access to the Small Claims Division banned for up to one year.

## **BEFORE FILING YOUR CLAIM**

A worksheet has been provided in the back of this pamphlet to assist you in filing your Small Claims petition. Before you file a claim in the Small Claims Division, please review the following information:

### 1. DETERMINE WHERE TO SUE

Every county in the State of Missouri and the City of St. Louis has at least one Small Claims Division. You can file your Small Claims case:

- A) In the county where at least one defendant is a resident
- B) In the county where at least one plaintiff is a resident and at least one defendant may be found and served
- C) In the county where the facts giving rise to the case took place
- D) If you sue a business, you may file in the county where the business is located, where the facts giving rise to the case took place, or in the county of the **registered agent** of the business. If the business is a corporation located outside the State of Missouri, you may file in the county where the facts giving rise to the case took place.

### 2. KNOW THE CORRECT LEGAL NAME OF THE PERSON OR BUSINESS THAT YOU WANT TO SUE

You must have the correct legal name of the person or business you wish to sue, or your claim may be dismissed. If you sue someone using the wrong legal name, you may be unable to collect the judgment, even though you may win the case. If you are suing an individual, use the full name. (FOR EXAMPLE: John Doe – not J. Doe; John and Mary Doe – not Mr. and Mrs. Doe.) When suing a business, it is **highly recommended** that you obtain the correct name of a business and the owner or person responsible for accepting legal service for a company – known as the **registered agent** – from the office of the Secretary of

State. The Secretary of State will provide the correct business name for use on your claim. You may call the Secretary of State or search for the business on the Secretary of State website; this contact information is located on the last page of this pamphlet.

If the business is a partnership, you must find out who the partners are. You must sue and serve each partner individually. The office of the Secretary of State may also be able to help you with this information.

As a general rule, there are three types of defendants. The following examples show how each type of defendant must be listed on a Small Claims petition:

- A) **An individual** is listed as “John Doe”
- B) **An unincorporated business or partnership** is listed as “John Doe and James Roe d/b/a/ Roe’s Tractor”
- C) **A corporation** is listed as “Roe’s Tractor, Inc. (Serve: John Doe, Registered Agent, or James Roe, President)”

### 3. KNOW THE CORRECT ADDRESS

You must know the correct address of the person or company you wish to sue. In the Small Claims Division, the defendant will be notified of the suit by service. If you have provided the wrong address and the defendant is not served, you will be required to pay additional court costs to request the sending of another summons (notice) to the defendant.

You will also have to wait additional time before the case can be heard in court.

You must also know the correct address of the defendant to make sure you are in the right Small Claims Division. This is called “having proper venue.” Venue means the appropriate county in which to file your claim. If you file your claim in the wrong county, your cause will be dismissed without prejudice, and you will have to refile in the right court and pay the court costs again.

### 4. BRING A “NEXT FRIEND” IF YOU ARE UNDER 18 YEARS OF AGE

If you are under 18 years of age, you cannot file suit alone. You must bring someone with you who is at least 18 years of age and who is willing to act as your “Next Friend” (someone acting for the benefit of one who does not have the legal capacity to act in his/her own behalf). The clerk will ask you to sign a form called an “Application for

Appointment of Next Friend for Minor Plaintiff,” and your “Next Friend” will be asked to consent to act on your behalf.

5. DETERMINE THE CORRECT AMOUNT OF MONEY FOR YOUR CLAIM

Sue for the amount of money you spent or lost because of the problem. The amount of money you ask for may depend on many things. For example: If you were involved in a car accident and you are suing someone for the damages to your car, you might also ask for the money you spent for the rental of a car needed while your car was being repaired. You must have receipts to show how much you spent.

State your claim; make it clear, simple, and as concise as possible. Bring any papers that you have if you believe it will help you explain your problem to a clerk in the Small Claims Division and the clerk will help you fill out the necessary forms.

6. FEES TO FILE A SMALL CLAIMS PETITION AND FEES FOR COSTS OF SERVICE

A filing fee and costs for service of the petition **must be paid at the time of filing** the Small Claims action.

- A) The Small Claims Division **filing fee is \$17.00.**
- B) The cost of serving the summons (the official notice to appear in court) to the party you sue is **\$36.00 for each defendant if service is by the St. Louis County Sheriff.**
- C) **Service by certified mail (restricted delivery) is \$10.00.**

Please be aware that a defendant **cannot be served at a P.O. Box**; a full, physical address is required, no matter what service method you choose. Also, if you want to serve a defendant at his/her place of employment, **certified mail cannot be used.**

Make checks payable to the St. Louis County Circuit Clerk.

**For service by a Sheriff outside of St. Louis County**, call the Office of the Sheriff of that county to find out what fee is charged and whether the fee must be paid in advance.

## 7. DECIDE HOW BEST TO GET THE OTHER SIDE INTO COURT

In the Small Claims Division, the defendant can receive the summons by signing a certified mail receipt. If for some reason the defendant does not accept receipt of the summons by signing the certified mail receipt, or if the receipt is signed by someone other than the defendant, you may request of the clerk to deliver the summons to the Sheriff for "personal service" on the defendant, if you know where he or she can be found.

Sometimes, a special process server can be appointed by the Circuit Clerk to serve the defendant. Pursuant to 506.140 RSMo., the court may award reasonable fees paid to a special process server upon application to the court; make sure you keep your receipt from the special process server.

**If you wish to have any fees you paid to a special process server or Sheriff outside of St. Louis County added to your court costs, file a copy of your receipt(s) with a Small Claims clerk prior to your court date.**

## 8. IF THE SUMMONS CANNOT BE SERVED

If the summons cannot be served, you may request the issuance of another summons, called an alias summons. An additional cost for service of an alias summons is required. If the plaintiff does not appear, the court may enter an order dismissing the action. Any action so dismissed may not be brought in Small Claims court again, but may be brought in an appropriate division.

## 9. THE HOLD/DISMISSAL DOCKET

The Hold Docket, or the Dismissal Docket, is useful if you are having a difficult time getting the defendant served. At your request, your case can be placed on this docket, which will give you a chance to do research on your own and let us know what you would like to do to keep your case active. The Small Claims clerk will give you a dismissal date set approximately three (3) months into the future. You will need to come back into the Small Claims office to let us know how you'd like to attempt service on the defendant before that dismissal date in order to continue with your case. **Please be aware that if you let the dismissal date pass without coming back to attempt service, your case will be dismissed in court on that date.**

# FOR THE DEFENDANT

## IF YOU ARE BEING SUED

If you receive a summons to appear in court, read the petition and be sure that you understand it. If you fail to appear in court as directed on the summons, the judge may order you to pay the amount claimed to the person who is suing you. **This is called a default judgment**, and the plaintiff (the person suing you) can then pursue legal means to collect the money from you. If you do not agree that you owe the money and you want to defend the claim against you, you should appear in court on the day noted on the summons and present your side of the story. Bring with you all the necessary papers and any witnesses you might need. If you believe you need an attorney, you may bring one.

## TRY TO SETTLE THE CLAIM

If you think you owe the plaintiff money, but not as much as is asked in the petition, you may try to settle the claim. If you agree on a settlement, make sure it is in writing and filed with the court. If you cannot agree on a settlement, you may appear in court and require the plaintiff to prove their claim. **If you think you have a claim against the plaintiff, you may bring it at the same time you are being sued. This is called a counterclaim.**

## COUNTERCLAIMS

A counterclaim is a way for a defendant to bring a claim against a plaintiff. The defendant does not have to pay a filing fee as the plaintiff did. There are two types of counterclaims:

### 1. COUNTERCLAIM BASED ON THE SAME TRANSACTION

A counterclaim based on the same transaction is a claim brought by the defendant against the plaintiff which arises out of the same facts and circumstances as the plaintiff's claim. For example, if you are being sued for the return of a security deposit, and the ex-tenant owes you either back rent and/or damages, you can file a counterclaim for the amount of money owed to you.

If you have such a claim, which is in an amount less than \$5,000.00, go to the Small Claims office (after you have been served with a summons but before the date of the trial) and complete a form called "Counterclaim Arising Out of the Same Transaction." **The clerk will mail a copy of your counterclaim to the plaintiff.**

If your claim is over \$5,000.00 and less than \$25,000.00, and is based on the same transaction, both of you must agree to have it heard in the Small Claims Court or you will have to transfer the case to be heard in the Associate Division using more formal rules of evidence, and a \$45.00 filing fee will be collected. If the claim is over \$25,000.00, it will be certified to the Presiding Judge for assignment, and a fee of \$45.00 will be collected. The rules in the other divisions of the Circuit Court are more formal and you may wish to hire an attorney.

You have one more choice: If your claim is over \$5,000.00 and the other side does not agree to have it heard in Small Claims Court, you may limit your claim to \$5,000.00. The claim will then stay in Small Claims Court, but you give up any right to the rest of your claim over \$5,000.00.

## 2. COUNTERCLAIM BASED ON A DIFFERENT TRANSACTION

If you have a counterclaim against the plaintiff which is based on a different set of facts or transaction for less than \$5,000.00, you must file the counterclaim within 10 days of receiving the summons. If you wish your claim to be heard at the same time as the plaintiff's claim against you, complete a form called "Counterclaim Not Arising from the Same Transaction." **The clerk will mail a copy of your counterclaim to the plaintiff.** Your claim must be filed with the Small Claims Office at least 10 days before the court date on your summons or the case might be continued until a later date. The plaintiff must also agree to have counterclaims in an amount over \$5,000.00 not based on the same transaction heard in the Small Claims Court.

The defendant whose counterclaim is dismissed because it is over \$5,000.00 may file a separate suit against the plaintiff in another division of the Circuit Court. The amount of the claim will determine the place for filing. If a defendant limits the counterclaim to \$5,000.00, the defendant gives up the right to all claims in the amount over \$5,000.00, but the case can be decided in the Small Claims Division.

# FOR BOTH PARTIES

## OUT-OF-COURT SETTLEMENTS

If you settle the dispute before the hearing, inform the court in writing so the hearing can be cancelled and the case dismissed. Before you inform the court that you are dismissing the suit, make certain the other party agrees to the terms. If the other party pays you before the court date, ask the court to cancel the hearing. If you do not receive your money by the time of the hearing, proceed with the hearing. If you dismiss the suit, **your filing fee and service costs will not be returned**. If the defendant pays you before the court date, **you must file a dismissal** dismissing your claim against the defendant.

## PREPARING FOR YOUR DAY IN COURT

Whether you are the plaintiff asking for money in the petition or the defendant asking for money in a counterclaim, you must be prepared to prove you are owed the money for which you are asking. If you are a defendant without a counterclaim, you must try to convince the judge you are right and do not owe the money. Prepare and organize all of your paperwork (for example: estimates, bills, receipts, checks, photos, and contracts) that support your side of the story and bring everything with you on the day of court; put your name and address on all evidence (and if possible, make a copy of receipts, etc. for the judge). In a case such as damage to a car or damage caused by a bad roof repair, you may consider taking pictures of the damage to show the judge.

Make sure any witnesses that may help you prove your claim will be in court when you need them. If one of the witnesses refuses to testify, you may subpoena the witness.

A subpoena is a legal document which requires someone to be in court at a certain date and time. You may request the Sheriff to serve the subpoena on the witness. The cost is \$26.00.

Prepare your case prior to the court date. You may want to visit a session of the Small Claims Division to hear a Small Claims case. Check with the Small Claims office for dates and times.

Practice presenting your claim as though you were trying to convince the judge. The practice will also help you to organize your papers in the order in which you want to show them to the judge. The judge will help you bring out the facts of your case.

NOTE: Dress appropriately for your day in court.

## **YOUR DAY IN COURT**

On the day of court, arrive at the courthouse early and find the division courtroom listed on the petition. The judge will first read a list of all cases that are set for hearing. If you are not there when your case is called, the case could be dismissed or decided without you. If your case is dismissed, you cannot file the same claim again in the Small Claims Division.

Your case will be heard by the judge. There are no juries in the Small Claims Division. When your case is called, walk up to the front of the courtroom. The judge will ask the plaintiff to tell his/her side of the claim. Be thorough, and show the judge any papers you have to support your claim as you go along. Talk to the judge. You must convince the judge that you are right, not the other side. Don't interrupt the other side and don't argue.

After the plaintiff has presented his/her claim, the defendant will have a chance to tell his/her side. After the judge has heard both sides, the court will decide who is owed how much money, or the judge may think about the case and mail you the decision. Be sure your correct address is in the court file. When the decision is made, do not argue with the judge. Once the decision is announced, the judge cannot help you any further. If you win, neither the judge nor the clerk can collect the money for you. If you disagree with the decision, you may appeal it.

## **APPLICATION FOR TRIAL DE NOVO (APPEAL)**

Once the judge has decided the case, either side has the right to file an application for a Trial de Novo (an appeal of the court's decision) **within 10 calendar days of the date of the court's decision (not within 10 days of receiving your decision in the mail).** In your appeal, you have the right to a new trial. The rules in the new trial are more formal and the judge and clerks are not permitted to provide you with assistance. Parties other than individuals can only appear by attorney. Corporations and unincorporated associations cannot be represented by an officer or authorized employer.

A \$45.00 filing fee is required to file an appeal. If you're paying by check, make it payable to the St. Louis County Circuit Clerk.

When the losing party appeals, the winning party is permitted to make efforts to collect the judgment unless the losing party posts a bond. The bond is a sum of money deposited with the court to satisfy the judgment held by the winning party if the appeal is not successful.

It is not necessary for the losing party to post a bond before the case is appealed; it is only necessary if the losing party wants to prevent the winning party from attempting to collect the judgment. The bond is set by the judge in an amount at least equal to the judgment, plus court costs. Bonds can be paid with cash, a check, or a money order.

## **COLLECTING A SMALL CLAIMS JUDGMENT**

After the judge has decided in your favor, it is best to wait 10 calendar days until the judgment is final to start the collection process. Within the 10-day period, the other side may appeal the judge's decision.

There are several ways to collect a Small Claims judgment. The best way is to try to make arrangements for the other side to pay you, either in one lump sum or by paying you a little at a time, whatever way you both can agree upon. You lose nothing by trying to collect the money this way. If you cannot agree to a payment schedule or the other side stops paying you as agreed, you may wish to file a request for a garnishment. **Remember, you are solely responsible for collecting your Small Claims judgment. Neither the judge nor the clerk can do it for you.**

## **GARNISHMENTS**

A garnishment is a court procedure in which the debtor (the person who owes you money according to a court judgment) pays the money owed to the court, and the court then sends the money to you. However, a source of money to garnish must first be located. You then pay a fee and request that the court issue a garnishment. If you do not collect the total amount owed with one garnishment, you may file another one. The simplest garnishment to file is one against a person's wages or bank account. The cost for a garnishment in St. Louis County is \$46.00. If the place of employment or the bank is in another county, you must contact that county to find out what costs are involved, and the paperwork will be sent to you to forward to this county. If the place of employment or the bank is in another state, you must

contact that state and county for the requirements and costs needed to register your judgment and file a garnishment in that state.

### 1. GARNISHMENT ON WAGES

To file a request to garnish someone's wages, you need to know the name and address of the person's employer. A garnishment on wages usually lasts for a period of 180 days and at the end of that time, the employer sends the money collected to the court. Only a part of any employee's wages can be withheld: 10 percent if married and the head of the household, or 25 percent if single or not the head of the household. If there are other garnishments on the debtor's wages, your garnishment may not be honored.

### 2. GARNISHMENT ON A BANK ACCOUNT

To file a request for a garnishment of a person's bank account, you must know the name and address of the bank where the person who owes you money has an account. If you have a canceled check you paid to the opposing side, the name of the bank may appear on the back of the check. If the bank account has another name on it, or if you did not name the opposing side correctly in your case, the garnishment may not work.

A garnishment on a bank account usually lasts for a period of 30 days. At the end of the 30 days, the bank will send the court the amount of money in the bank account up to the amount of the judgment plus court costs, and the cost of filing a request for a garnishment.

## **REQUESTING A GARNISHMENT**

Complete the "Request for Execution or Garnishment Form," available in the Garnishment Department office. Provide the court with information about the defendant's employer or bank account. Attach a check in the amount of \$46.00 made payable to the St. Louis County Circuit Clerk, if it is a St. Louis County address. Send the completed requested form and check to:

Garnishment Department  
Circuit Court of St. Louis County  
P.O. Box 16994  
Clayton, Missouri 63105

## **SATISFACTION OF JUDGMENT**

A satisfaction of judgment is a document that indicates that the judgment has been paid in full. The satisfaction of judgment shall be signed by the winning party and sent to the Small Claims Division when all money has been collected.

## **SMALL CLAIMS JUDGMENTS ARE NOT LIENS AGAINST REAL ESTATE**

A judgment of the Small Claims Division **cannot become a lien against real estate.**

## **CONTINUANCES**

If something comes up and you need to delay your appearance in court, you can request a **continuance**. If the judge approves the continuance, the plaintiff(s) and the defendant(s) will receive a new court date in the mail, and you will not have to appear on your originally-scheduled court date.

- Please submit the continuance request in person, by mail, or by fax at least 10 days before the court date.
- Your continuance request should include the following information: plaintiff & defendant names, case number, division, the reason you are requesting the continuance, your signature, your phone number, and any proof you have in support of your request.
- Let the other party know that you have requested the continuance.
- **Please be advised that Continuances are not guaranteed**, and you should be prepared to be in court on your scheduled date and time.

Please be aware that if a continuance is requested within fewer than 10 days until the court date, **the continuance may not be granted by the judge**. Requesting a continuance does not automatically mean that it will be approved; it is still your responsibility to appear on your originally-scheduled court date unless you are informed otherwise before that time arrives.

## **A NOTE ABOUT ADDRESSES**

When you (as the plaintiff) file a Small Claim, you are required to write your address on your petition, so it can be filed with the court. The defendant will also receive a copy of the petition. If you wish to keep your address confidential, you must file a motion with the court requesting that your information be made confidential.

**Case.net** is a product of the Office of the State Court Administrator (OSCA), under the supervision of the Missouri Supreme Court. All information contained on **Case.net** is a public record according to Supreme Court Operating rule 2 and Missouri Law.

The St. Louis County Circuit Court does not have the authority to remove public information from **Case.net**.

# TERMS COMMONLY USED IN THE SMALL CLAIMS DIVISION

**Appeal** – The process of asking a higher court to review the lower court's decision. In Small Claims, it is known as a Trial de Novo, which must be filed within 10 days of a Small Claims judgment.

**Associate Circuit Division** – The lowest level state court in Missouri, which can hear Division claims up to \$25,000.00. The Small Claims Division is a part of the Associate Circuit Division, although Small Claims cases only go up to \$5,000.00.

**Assignee** – A person or business that purchases or otherwise acquires the right to a claim.

**Bond** – A deposit of money for the court to hold to prevent the winning party from collecting its money while the losing party appeals the case.

**Continuance** – The postponement of a court hearing until a later date or time.

**Counterclaim** – A claim presented by the defendant against the plaintiff.

**Defendant** – A person *against whom* a legal action is brought.

**Default Judgment** – A judgment in favor of the plaintiff because the defendant failed to appear for the trial, which the defendant had a duty to do.

**Garnishee** – A third party, such as an employer or bank, who has money belonging to the losing party. The third party is ordered to give money to the court rather than to the winning party.

**Garnishment** – Process whereby the winning party is paid by a third party who owed that money to the losing party. Wages owed by an employer or deposits owed by a bank are most commonly used.

**Judgment** – The decision of the court. Examples include awarding the plaintiff money to satisfy his/her claim, awarding the defendant money to satisfy his/her counterclaim, or the dismissing the case.

**Judgment Debtor** – A person who owes money to someone else according to the decision of a court.

**Next Friend** – A person appointed to act formally for a minor in the Small Claims Division (Court) who is not the minor’s regular guardian.

**Petition** – A request to the court.

**Plaintiff** – A person *who brings* an action against another person.

**Pro se** – A person who is acting as his/her own attorney when filing a case (also known as a self-represented litigant)

**Registered Agent** – A person designated by a company to receive official documents for the company.

**Self-Represented Litigant** – A person who is acting as his/her own attorney when filing a case (also known as pro se)

**Service** – The delivery to a person of an official court document by an authorized court official.

**Special Process Server** – A person approved by the court to serve court papers to a defendant. A special process server is hired by the plaintiff, and is therefore paid separately for their services than any payments made to the court; you work out payment with the special process server directly.

**Statute of Limitations** – The time period in which one must file a claim.

## SMALL CLAIMS OFFICES

### **ST. LOUIS COUNTY**

Small Claims Office, Room 172  
Office of the Circuit Clerk  
Circuit Court of St. Louis County  
105 South Central Avenue  
Clayton, Missouri 63105  
(314) 615-2601 or (314) 615-2592  
Hours: Monday - Friday  
9:00am - 4:00pm

### **ST. CHARLES COUNTY**

Small Claims Office  
St. Charles Courthouse  
300 North 2nd Street  
St. Charles, Missouri 63301  
(636) 949-3079  
Hours: Monday - Friday  
8:00am - 5:00pm

### **ST. LOUIS CITY**

Small Claims Office  
Civil Courts Building  
11th and Market Streets  
St. Louis, Missouri 63101  
  
(314) 622-3700  
Hours: Monday - Friday  
8:30am - 5:00pm

### **JEFFERSON COUNTY**

Small Claims Office  
P.O. Box 100  
Hillsboro, Missouri 63050  
  
(636) 797-5443  
Hours: Monday - Friday  
8:00am - 4:30 pm

## ADDITIONAL INFORMATION

### **BETTER BUSINESS BUREAU**

Better Business Bureau  
211 N. Broadway, Suite 2060  
St. Louis, Missouri 63102  
(314) 645-3300  
[www.stlouis.bbb.org](http://www.stlouis.bbb.org)  
Hours: Monday - Friday  
9:00am - 4:00pm

### **SECRETARY OF STATE**

Office of the Secretary of State  
Jefferson City Office  
210 State Capitol  
P.O. Box 778  
Jefferson City, Missouri 65102  
(573) 751-4153

Hours: Monday-Friday  
8:00 am-4:30pm

### **Legal Aid**

(314) 534-4200

### **Process Server Information**

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

### **CONSUMER PROTECTION DIVISION**

Consumer Protection Div.  
Missouri Attorney General's Office  
P.O. Box 899  
Jefferson City, Missouri 65102  
1-800-392-8222  
Hours: Monday - Friday  
8:30am - 4:30pm

### **SECRETARY OF STATE**

Office of the Secretary of State  
St. Louis Office  
Old Post Office  
815 Olive St., Suite 210  
St. Louis, Missouri 63101  
(314) 340-7490  
[www.sos.mo.gov](http://www.sos.mo.gov)

Hours: Monday-Friday  
8:00am-5:00 pm

### **Lawyer's Referral Service**

(314) 621-6681