

SMALL CLAIMS SUITS MAY BE BROUGHT FOR AMOUNTS IN CONTROVERSY NOT EXCEEDING \$10,000.00. SMALL CLAIMS ARE ONE OF THE THREE TYPES:

- **MONEY JUDGMENT** - A money judgment occurs when the plaintiff asks for past due money (ex., loans, damages, or to reclaim personal property)
- **FORCIBLE ENTRY** - A forcible entry occurs when the plaintiff is collecting back rent due and seeks possession of the property. The Forcible Entry process begins by posted a thirty (30) day notice, served by the McCurtain County Sheriff's Department OR Private Process Server
- **REPLEVIN/MONEY JUDGMENT** - This type of case is filed when the plaintiff wants the property or the money value of the property.
- **ALL Small Claims cases are heard once per month on the last Monday (unless changed by leave of the Court)**
- The necessary forms to initiate a Small Claims Action are available in the Court Clerk's Office or online at mccurtain.okcounties.org/offices/court-clerk
- For one defendant, you will need three (3) copies of the Small Claims Affidavit. 1 - original for filing w/the clerk; 2 - copy to be served on the defendant; 3 - copy for yourself. If there is more than one defendant, you must add another copy of the Affidavit for each additional defendant.

Filing fees must be paid at the time of filing

Service Fee:

The plaintiff must also see to it that the defendant is served a notice that the Small Claims Action has been filed. There are two choices for service:

1. The Sheriff may serve notice. This method requires \$50.00 payable to the Court Clerk's Office at time of filing.
2. A Private Process Server may serve the paperwork. You are responsible for delivering the paperwork to the private process server and paying their fee.

Collecting Judgments:

You should appear in court on your court date, whether or not the defendant has been served. When your name is called, inform the judge that you are present and you are the Plaintiff.

If the Plaintiff receives judgment, then it is the Plaintiff's responsibility to file the Judgment with the County Clerk's office once it is signed by the judge.

There are several ways to collect judgment, such as through garnishments or a hearing on assets. However, the Court Clerk's Office DOES NOT collect civil judgments, nor can we advise you on the best course of action to collect. Garnishment paperwork is available at the Court Clerk's Office or online at mccurtain.okcounties.org/offices/court-clerk or online at www.oscn.net/static/forms/aoc_forms/garnishment.asp