

State of New York

\_\_\_\_\_ COURT \_\_\_\_\_ COUNTY

\_\_\_\_\_ OF \_\_\_\_\_ SMALL CLAIMS PART No. \_\_\_\_\_

NOTICE TO DEFENDANT:

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

TAKE NOTICE THAT \_\_\_\_\_ PLAINTIFF,  
asks judgment in this Court against you for \$ \_\_\_\_\_ together with costs, upon the following claim:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In agreement with which the Plaintiff hereby signs and demands Judgment.

\_\_\_\_\_  
Plaintiff Signature Address Phone No.

There will be a hearing before the Court upon this claim on \_\_\_\_\_ 20 \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in the Small Claims Part of this Court held at \_\_\_\_\_

YOU MUST APPEAR and present your defense and any counterclaim you may desire to assert at the hearing at the time and place above set forth ( a corporation must be represented by an attorney or any authorized officer, director or employee). IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if requested, will issue subpoenas for witnesses, without fee thereof.

If you wish to present a counterclaim against the claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing you must pay the Clerk a filing fee of \$3.00 plus the cost of postage to send your counterclaim by first class mail to the claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to the Court your reasons for desiring time to pay.

Dated: \_\_\_\_\_, 20 \_\_\_\_\_ Clerk

**A Guide to Small Claims Court is available at the court listed above.**

NOTE: If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the clerk a jury fee of \$10.00 and file an undertaking in the sum of \$50.00 or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith.

Under the law, the Court may award \$25.00 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

If at the hearing it shall appear that the defendant has a counterclaim in an amount within the jurisdiction of the part for the hearing of small claims, the judge may either proceed forthwith to hear the entire case or may adjourn the hearing for a period of not more than 20 days or as soon thereafter as may be practicable, at which adjourned time the hearing of the entire case shall be had. **An adjournment shall be granted at the request of the claimant if the defendant did not file the counterclaim with the court within five days of receiving the notice of claim.**

Adjourn to \_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_, 20