

CANANDAIGUA CITY COURT
2 North Main Street
Canandaigua, New York 14424
585-412-5170
email: canandaiguacitycourt@nycourts.gov

COMMERCIAL CLAIMS
For Corporations/Associations/LLP, Etc.

The filing fee for a commercial claim is \$25.00 plus postage of \$8.70 per defendant. Notice of claim is mailed to each defendant by first class mail (\$0.60), and also by certified mail (\$0.60 + \$4.15) with return receipt (\$3.35). For each additional defendant, claimant must add the amount of \$8.70 to the filing fee.

Payment of the filing fee may be made at the Canandaigua City Court office on weekdays between the hours of 8:00 AM and 3:30 PM, or by mail to the address listed above. Acceptable methods of payment are cash (exact change preferable), money order or certified check made payable to *Canandaigua City Court*, and business checks from an attorney's trust account. **Credit cards (Master Card, Visa, Discover) are accepted for payment of fees only at the Canandaigua City Court office window during the hours listed above.**

Please include a self addressed, stamped envelope if filing by mail for return of your receipt and a copy of your claim.

The monetary jurisdiction for small claims and commercial claims filed in City Courts outside of New York City is \$5,000 (effective January 1, 2004.)

Defendant is presumed to have received service of the notice of claim if the first class and certified mailings are not returned to this office within 21 days of the date of mailing.

Defendant's failure to appear at scheduled hearing date may result in the entry of a default judgment. Notice of such shall be mailed by first class mail to both claimant and defendant after judgment is rendered. Claimant's failure to appear at the scheduled hearing date may result in dismissal of the claim.

COMMERCIAL CLAIMS ARISING OUT OF A CONSUMER TRANSACTION
ADDITIONAL REQUIREMENTS

Consumer transaction: A transaction between a claimant and an individual wherein the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes.

A **DEMAND LETTER** must be sent by the claimant to the defendant not less than ten (10) days or more than 180 days prior to the commencement of the action in Commercial Claims Court. Proof of such mailing will be incorporated in the verified certificate filed at the commencement of the action. A **CERTIFICATION FORM** needs to be filled out and accompany the actual **APPLICATION** when the required amount of time has elapsed and the claim is ready to be filed with court.

NOTE: If you are filing by mail be sure to include a self-addressed stamped envelope for return of your Notice of Claim and receipt.

Please feel free to make copies of this packet for future use by your company or organization.

COMMERCIAL CLAIM ARISING OUT OF A CONSUMER TRANSACTION

DEMAND LETTER

Date: _____

To: _____

You have not paid a debt owed to _____, which you incurred on _____, _____. The amount remaining unpaid on the debt is \$ _____. Demand is hereby made that this money be paid. Unless payment of this amount is received by the undersigned no later than _____, _____, a lawsuit will be brought against you in the Commercial Claims Part of Canandaigua City Court.

If a lawsuit is brought, you will be notified of the hearing date, and you will be entitled to appear at the hearing and present any defense you have to this claim.

(If applicable) Our records show that you have made the following payment in partial satisfaction of this debt (fill in dates and amounts paid) _____.

A copy of the original debt instrument – your agreement to pay is attached. The names and addresses of the parties to that original debt agreement are:

_____.

(to be completed if claimant was not a party to the original transaction.)

Type or print name and address of claimant

**COMPLETE THIS SECTION FOR COMMERCIAL CLAIMS ARISING OUT OF A
CONSUMER TRANSACTION**

**CERTIFICATION
(NYCCCA 1803-A; UCCA 2803-A; UDCA 1803-A)**

I hereby certify that I have mailed a **DEMAND LETTER** by ordinary first class mail on _____ to the party complained against, no less than ten (10) days and no more than one-hundred-eighty (180) days before I filed this application.

I hereby certify, based upon information and belief, that no more than five (5) actions or proceedings (including the instant action or proceeding) pursuant to the commercial claims procedure have been initiated (filed) in the courts of New York State during the present calendar month.

Dated: _____

Signature of Claimant

Signature of Notary or Clerk

Note: The commercial claims part will not allow your action to commence if this certification is not made and properly completed.