

APPLICATION TO FILE SMALL CLAIM/COMMERCIAL CLAIM (January 2017)

(see second page for jurisdictional and instructional information or visit the Ithaca City Court website at www.courts.state.ny.us/Ithaca/city) Small claims court is every Thursday morning at 9:00 a.m.

ITHACA CITY COURT : COUNTY OF TOMPKINS

Ithaca City Court, 118 East Clinton Street, Ithaca, New York 14850; 607-216-6660; fax 607-240-5821

FILING FEE: Money Order, Certified Bank Check or Cash only (No Personal or Business Checks accepted)

Type of Claim: Filing Fee: (Check one)

Small Claim \$15.00-Claim of \$1,000 or less _____
\$20.00-Claim exceeding \$1,000 _____

(Individual suing individual or company)

Commercial Claim \$25.00 + \$5.72 postage _____

(a separate \$5.72 postage fee is required for each additional defendant named)

(Company suing company or individual-see second page for limitation on number of filings and required Certificate of Authority)

Consumer Transaction \$25.00 + \$5.72 postage _____

(a separate \$5.72 postage fee is required by each additional defendant named)

(Company suing individual-see second page for definition of Consumer Transaction, limitation on number of filings, Certificate of Authority and Demand Letter Certification)

Counterclaim (see reverse) \$ 5.00 + \$.46 postage

Date: _____ Email address: _____

Name(s) of Claimant(s): (list all necessary parties) _____

Address & Telephone No.: _____

(if commercial claim, give Principal Office Address)

Name of Defendant: (list all necessary parties) _____

Address & Telephone No.: _____

(See reverse for geographical jurisdiction)

Amount of Claim \$ _____ (Do not include filing fee) Nature of Claim to include all pertinent information including descriptions, dates, address, etc. (See second page for jurisdiction information). _____

DATE:

SIGNATURE OF PERSON FILING CLAIM

SMALL CLAIMS

GEOGRAPHIC JURISDICTION: Although a Defendant may waive the defense of lack of personal jurisdiction, in general, you must bring the action where the Defendant resides, where the Defendant does business at the time or where the Defendant has regular employment, when you start the action. You must be able to provide an address within Tompkins County where the Defendant can be served. Ithaca City Court Small Claims Part has jurisdiction within Tompkins County. You also have the option to sue in the appropriate Town or Village Court if the Defendant resides outside the City of Ithaca.

MONETARY JURISDICTION: Up to \$ 5,000.00 - Money only in City Court.

WHO CAN USE SMALL CLAIMS: You must be an individual to use Small Claims. Corporations, Partnerships, Associations or Assignees cannot bring actions in Small Claims (see Commercial Claims below if you are a Corporation, Partnership or Association).

AGE: You must be 18 years or older to bring an action in Small Claims; otherwise, the action must be brought by a parent or guardian.

COMMERCIAL CLAIMS/CONSUMER TRANSACTION

(Consumer Transaction definition: where the money, property or service which is the subject of the transaction is primarily for personal, family or household purposes)

GEOGRAPHIC JURISDICTION: The Claimant must have a principle office in the State of New York. The Defendant must reside or have an office for the transaction of business or regular employment within Tompkins County.

MONETARY JURISDICTION: Up to \$5,000.00 exclusive of interest and costs - for Money only.

WHO CAN USE COMMERCIAL CLAIMS/CONSUMER TRANSACTION: The Claimant must be a corporation, partnership, or association. A Certificate of Authority must be filed indicating the office/authority of the claimant to settle or participate in the trial on behalf of the business. **NO COLLECTION AGENCIES.**

LIMITATIONS ON NUMBER OF FILINGS: The Claimant may file up to five (5) claims per calendar month. You will be required to file a verification that no more than five (5) commercial claims have been instituted by you anywhere in New York State during the calendar month. A verification form may be obtained from the Clerk of the City Court.

DEMAND LETTER CERTIFICATION (Consumer Transaction cases only): The Claimant **MUST** file with the Court a certification attesting that a Demand Letter has been sent to the Defendant not less than 10 days not more than 180 days from the time of the filing of the action in Commercial Claims Court. The Certification Form and a sample of a Demand Letter can be obtained from the City Court Clerk's office.

COUNTERCLAIMS

If you have been named as a defendant in a small claim/commercial claim/consumer transaction and have a claim against the claimant, you may bring the "counterclaim" as part of the lawsuit, for money only, up to \$5,000.00. You must inform the Court of your counterclaim and can use this form for this purpose. You must be prepared to prove the counterclaim on the day you go to court.

HOW TO FILE

To file a claim in the Ithaca City Court, you should file this application (and any required forms as noted above) with the **Ithaca City Court, 118 E. Clinton Street, Ithaca NY 14850** with the appropriate filing fee. If you have any questions, you may contact the City Court at (607) 216-6660.