

# SMALL CLAIMS INFORMATION SHEET

## What is a Small Claims Case?

A small claims case is a simplified type of court case in which a person can attempt to recover money or personal property worth \$10,000 or less. If your claim is over \$10,000, you can still use small claims court, but you must give up the right to collect the amount over \$10,000. The \$10,000 figure does not include interest or court costs.

You do not need a lawyer in a small claims case, although you may have one if you wish. Small claims court may only be used if all parties agree to this simplified procedure.

Small claims procedure may not be used for any of the following:

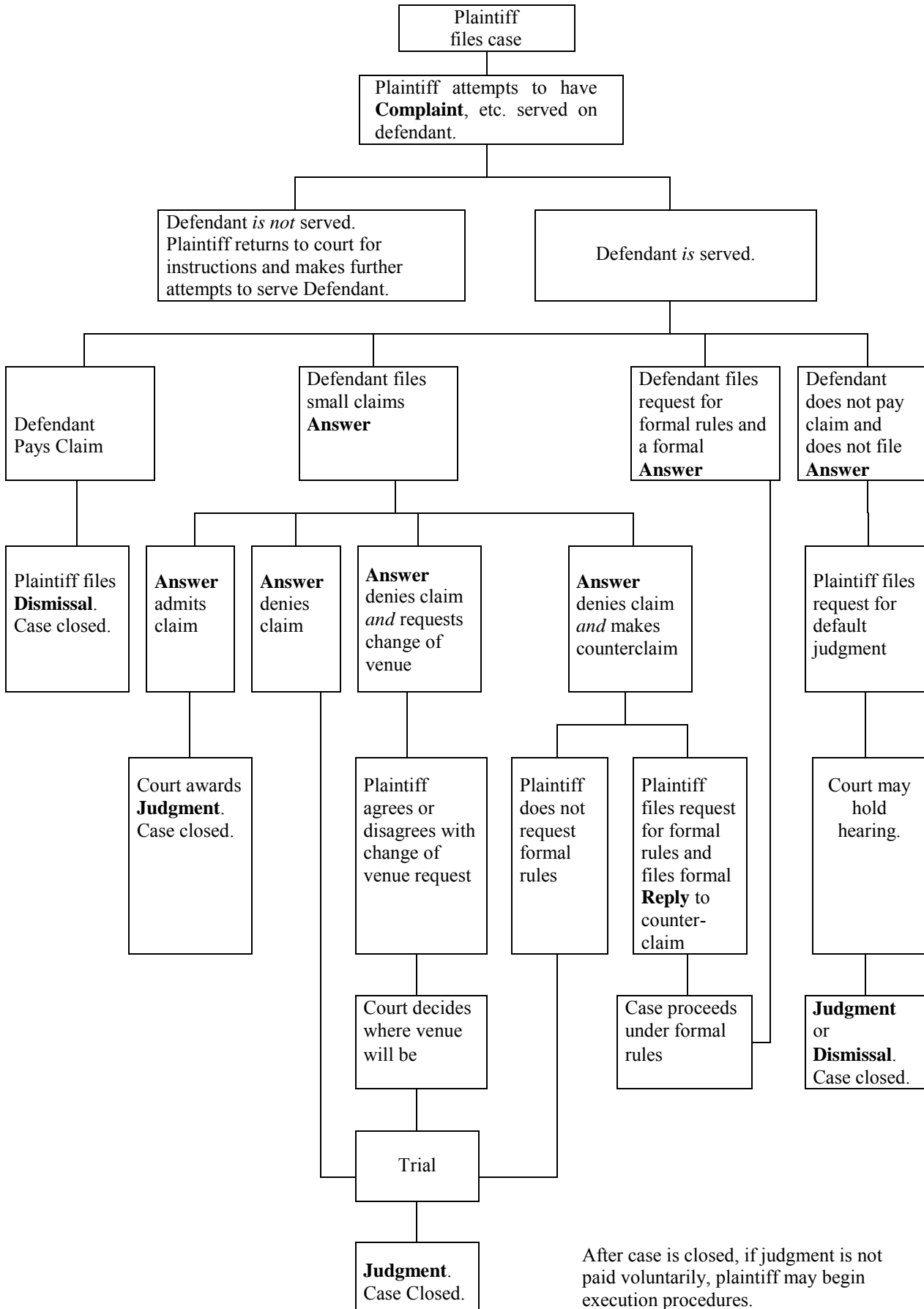
- 1) disagreements about title to real property
- 2) actions to recover possession of real property
- 3) evictions
- 4) claims against the State of Alaska or the United States government
- 5) injunctive relief (a court order requiring a person to do or not to do a specified act)
- 6) actions to foreclose or enforce statutory, common law or possessory liens

If you decide to use this procedure, get the forms and Small Claims Handbook from the clerk's office.

## COMPARISON OF PROCEDURES

	SMALL CLAIMS	FORMAL CIVIL
Filing Fee	\$50 if your claim is for \$2500 or less \$100 if your claim is for more than \$2500	\$125 in district court
Jury Trial	no	yes, if one is requested
Need for a Lawyer	usually no	usually yes
Formal Rules of Evidence at Trial	no	yes
Forms Supplied by Court	yes	no
Cost of Serving Process on each defendant		
- by Certified Mail	Postage plus \$5. (Plaintiff gives court stamped envelope addressed to defendant and completed postal forms. Court handles mailing.)	Postage. (Plaintiff handles mailing.)
- by Process Server	usually \$65	usually \$65
Service of Process Outside Alaska	Allowed in cases being heard by a district court judge. Dist. Ct. Civ. Rule 11(a)(4), AS 22.15.120(b)  When case is being heard by a magistrate, then allowed only as provided in: - AS 34.03.340 (service on nonresident landlord in Landlord-Tenant Act case), and - AS 09.05.020 (service on nonresident owner or operator of motor vehicle involved in accident in Alaska).	Allowed.
Complexity of Procedures	There are approximately 15 to 20 court rules governing small claims procedure.	There are over 80 court rules governing formal civil procedure.
Estimated Time Before Trial	4 to 12 weeks after answer is filed.	6 to 10 months after answer is filed.

## Sequence of Events in a Small Claims Case



After case is closed, if judgment is not paid voluntarily, plaintiff may begin execution procedures.