IN THE DISTRICT COURT OF PULASKI COUNTY, ARKANSAS
SMALL CLAIMS DIVISION
The Honorable Morgan "Chip" Welch, District Judge
3001 West Roosevelt Road, Little Rock, Arkansas 72204
(501) 340-6830 / (501) 340-6899 (fax)

NOTICE TO THE PLAINTIFF

COST: FILING FEE is $65.00. Claims can only be filed for $5000.00 or less.

CASH – CORRECT CHANGE ONLY, CHECK – PAYABLE TO PCDC, MONEY ORDER – PAYABLE TO PCDC, OR A DEBIT/CREDIT CARD – A PROCESSING FEE WILL BE CHARGED.

Claims over $5000.00 must be filed in the Civil Division of the Circuit Court, Pulaski County Courthouse, 401 West Markham, 340-8431.

PLEASE CHOOSE FROM ONE OF THE FOLLOWING SERVICE FEES:

CERTIFIED MAIL – RESTRICTED DELIVERY (Least Effective Method of Service)	$19.82 fee paid directly to the Court. MAKE CHECK PAYABLE TO PCDC.
PULASKICOUNTY SHERIFF'S OFFICE	$50.00 fee paid by money orders. PAYABLE TO PCSO.
PRIVATE PROCESS SERVER (Most Effective Method of Service) Out of County Fees may be higher. MAKE CHECK PAYABLE TO PROCES SERVER	$50.00 fee. Check or money order should be made payable to the process server for the amount of the service fee only. Filing fees will be paid by separate check to the Court. The process server will hand deliver the summons to the Defendant.

WHEN YOU MUST FILE:

You must file in the county where the Defendant resides or where the action took place. In a written contract action, you must file within five (5) years from the date the contract is/was broken. In an Oral Contract, Recovery of Personal Property or Property Damage action, you must file within three (3) years from the date the contract is/was broken or from the date the incident occurs.

If you are filing against a business, please be sure to contact the Secretary of State @ 501-682-1010 to get the information for the Agent of Service for that business.

BASIC COURT PROCEDURES:

After an answer to the complaint has been filed with the Court, the Court Clerk will set a date and time for your case to be heard in Court. The court date is usually 4 to 6 weeks from the date you file. If the Defendant does not file an answer or appear on the date of trial, the Judge may enter a Default Judgment. A Default Judgment means you have won your case. You must wait 10 days from the date the judgment is entered before beginning collection procedures against the Defendant. If you fail to appear on the date of the trial, the Judge may dismiss the case. If a party is aware that they will be unable to appear on the court date, they must contact the Court Clerk no less than one (1) week from the trial date and request a continuance in writing. A continuance is a postponement of the trial to a later date and time. Each party is allowed only one continuance.

Any judgment from his Court may be appealed by you or the Defendant by filing a Notice of Appel within 30 days from the date the judgment was entered. The fee is $50.00 to the Court. All that is required is a certified copy of the Courts docket, which sows the entry awarding Judgment and all prior entries and a certified copy of the complaint filed in the district court and then taken by the party requesting the appeal to the Circuit Court for further filing. The Circuit Court charges $165.00 to file an appear in their office. The Circuit Clerk's Office is located at 401 West Markham, Little Rock, Arkansas in the Pulaski County Courthouse. The prevailing party in Small Claims/Civil Court is entitled to costs of the actions, including the cost of filing fees, service fees, subpoena fees, and the costs of enforcing the collections of any judgment granted by this Court. If you want a copy of the judgment, you must pick on up at the Clerk's office, or provide a self-addressed stamped envelope to the Clerk's office and a copy will be mailed to you.

PREPERATION FOR COURT:

Come prepared to present your side. The purpose of Small Claims Court is to offer an inexpensive and quick method of resolving disputes and your preparation will help this effort. Bring all evidence with you at the time of your trial. This includes all receipts, invoices, pictures, etc. If your case invoices estimates (for auto repairs, etc.), please bring at least three (3) estimates to Court for the Judge's consideration. Bring all witnesses with you to the trial. This is your court date and no continuances will be granted to bring new witnesses or evidence at a later date. If you feel you may need to subpoena a witness, provide the Court with their name, correct address, and case number and the Clerk will issue the subpoena(s) prior to your court date. The cost is $19.82 for service by certified mail, $50.00 for service by the Sheriff's office, or $50.00 for private process server.

NOTE: All handwritten, notarized statements may be considered by the Judge hearsay and may be discarded. If your case depends on the testimony of a witness, is best to have them in Court in person.

CONDUCTING YOURSELF IN THE COURTROOM:

You should direct all questions and statements to the Judge. DO NOT direct any questions or communication to the opposing party. DO NOT interrupt the Judge or the other party.

JUDGMENT:

The Court only decides who should prevail in a given suit. Courts traditionally are only responsible for the deciding of disputes and not the enforcement of the judgment. It is totally the responsibility of the Plaintiff to make sure that they are paid by the Defendant. If you have trouble collecting the money the Judge awarded you, there are two possible actions you may take for collection: Garnishment or an Execution.

GARNISHMENT:

A Writ of Garnishment of wages will order an employer to withhold a certain amount of the Defendant's paycheck, not to exceed 25% of the net disposable income. Sometimes a person will not make enough income to all garnishment and those wages are protected by law. In this situation, another available option is to garnish the Defendant's bank account. It is your responsibility to provide the Court Clerk with the name and address of the employer and their agent of service, or the name and address of the bank and their agent of service. You do not have to furnish the account number of the bank account. The Writ of Garnishment is filed with the Court Clerk, you must wait 10 days from the date of the judgment before filing a Writ of Garnishment. The filing fee is $10.00 plus $10.48 for service by certified mail, $50.00 for service by the Sheriff's Office, or $50.00 for a prover process server to hand deliver.

EXECUTION:

A Writ of Execution is more complicated. It is an order directing the Sheriff to seize the property of the Defendant and to sell it at a public auction in order for you to get your judgment money. The cost of filing a Writ of Execution is $10.00, payable to the court and $120.00 payable directly and only to the Sheriff. The Sheriff's Office does not accept personal checks. This $130.00 will be added to the amount the Defendant owes you. Should you elect to file a Writ of Execution, contact either the Clerk's Office at 340-6830 or the Sheriff's Office at 340-8450 for further details.

IT IS IMPORTANT TO REMEMBER THAT EVEN THOUGH YOU ARE FILING AGAINST A PERSON IN SMALL CLAIMS COURT, THE DEFENDANT STILL HAS THE CONSTITUTIONAL RIGHT TO OBTAIN AN ATTORNEY. SHOULD THE DEFENDANT HIRE AN ATTORNEY, YOU WILL BE NOTIFIED OF SUCH AND GIVEN THE NAME OF THE ATTORNEY AND THE CASE WILL BE TRANSFERRED FROM SMALL CLAIMS TO THE CIVIL DOCKET IN THE CIVIL COURT WHICH IS HELD HERE IN PULASKI COUNTY DISTRICT COURT. IF THE PARTY YOU ARE OPPOSING RETAINS AN ATTORNEY, IT MAY BE IN YOUR BEST INTREST TO CONSULT ONE YOURSELF.