

Definitions of Terms Used in Small Claims Court

– A –

- **Affidavit** – A signed, sworn statement, witnessed by a notary public.
- **Appeal** – A rehearing of the court’s decision by a higher court.
- **Attachment** – The taking of a person’s property to collect a judgment.

– B –

- **Bond** – A money deposit left with the court.

– C –

- **Capias Order** – An order for the arrest of an individual, issued by a judge.
- **Certificate of Mailing** – A receipt from the Post Office for ordinary mail (check with your Post Office for the cost of a certificate of mailing).
- **Clerk of Court (Clerk)** – A public official whose duties include keeping court records.
- **Complaint** – A written statement made by the plaintiff containing legal claims against the defendant and a demand for money damages. Filing the complaint with the court begins the small claims process.
- **Complaint on an Account** – A claim by a business against someone who owes the business money.
- **Contempt of Court** – Disobeying the authority or dignity of the court, such conduct is punishable by fine or imprisonment.
- **Continuance** – Postponing the trial to a future date.
- **Contract** – An agreement between two or more people.
- **Costs** – Fees the plaintiff pays to file the complaint or to collect the judgment.

- **Counterclaim** – A claim the defendant makes against the plaintiff stating that the plaintiff owes the defendant money.
- **Creditor** – See Judgment Creditor
- **Cross-claim** – A claim against a party on the same side of a lawsuit, usually a claim by a defendant against another defendant.

– D –

- **Damages** – Money awarded to a party by the magistrate or judge.
- **Debtor** – A party that owes money, see also Judgment Debtor.
- **Default judgment** – A judgment awarded by the court against another party because the party did not appear on the trial date.
- **Defendant** – The person being sued.
- **Dismissal** – The termination of a case without trial, either because the plaintiff did not appear or the case settled.
- **Docket** – A list of all the cases a court will hear on a specific date.

– E –

- **Enforce** – The process of collecting a money judgment awarded to a party.
- **Evidence** – Something that tends to prove or disprove a fact. Evidence includes written documents and witness testimony.
- **Execution** – A court order for the sheriff to take property owned by the judgment debtor to pay the debt that is owed.
- **Expert witness** – a person who is qualified due to his or her experience or background to give an opinion about a disputed matter.

– F –

- **Fee** – Money paid to the Clerk of Courts to file or serve a document.
- **Foreclosure** – A legal process to end a homeowner's interest in a property.

– G –

- **Garnishment** – Taking a percentage of the Judgment Debtor's wages on a regular basis to pay a debt.

– I –

- **Interest** - Money earned on a debt at a given rate as time passes. The interest rate may be provided by statute or by contract.

– J –

- **Judge** – A court official who hears and decides cases.
- **Judgment** – The final decision of a magistrate or judge as to the rights and obligations of the parties in a case. The judgment may include an amount the magistrate or judge says is owed by the debtor. A judgment may also be called an entry.
- **Judgment Creditor** – The party that is owed money by a judgment of the court.
- **Judgment Debtor** – The party that owes money by a judgment of the court.
- **Jurisdictional limit** – The maximum amount of money that can be awarded by a particular small claims court.

– L –

- **Lawsuit** – A legal proceeding against a party in court. A lawsuit may also be called an “action” or a “case.”
- **Lien** – A legal right or interest that a creditor has in another's property.

– M –

- **Magistrate** – A court official that has the authority to hear and decide cases.
- **Mediation** – A voluntary process where parties involved in a dispute meet with a neutral third party, a mediator, to reach a settlement outside of court.
- **Motion** – A written or oral request by a party for a court order or some other kind of action.

– N –

- **Non-exempt Wages** – The percentage of a Judgment Debtor's wages that may be garnished.
- **Notary** – Someone who is legally authorized to verify the authenticity of documents and signatures.
- **Notice of Appeal** – A filing requesting that the case be taken to the next highest court for a decision.

– P –

- **Party** – The plaintiff or defendant involved in the lawsuit.
- **Personal Service** – Hand-delivery of a court document to a party by a bailiff of the court.
- **Plaintiff** – The person who files the complaint.
- **Proof of service** – A document filed with the court stating that a party has been properly presented with copies of the complaint or other court document.

– R –

- **Real Estate** – Property in the form of land or buildings, rather than personal possessions.
- **Revive** – The process of making your judgment active again.

– S –

- **Settlement** – The parties coming to an agreement between themselves outside of court.
- **Service** – Delivering the Complaint and Summons to the person being sued.
- **Statute of limitations** – The period of time during which a lawsuit can be filed.
- **Statutory Agent** – A person authorized by a business entity to accept court notices.
- **Summons** – A court notice telling a defendant that he or she is being sued and must appear in court on a certain date.
- **Subpoena** – An official order of the court requiring a person to appear in court to testify as a witness.

– T –

- **Testimony** – Statements made by a witness under oath.
- **Third-party complaint** – A claim by the defendant against someone other than the plaintiff or another defendant, claiming that the third party is responsible for any judgment against the defendant.

– W –

- **Witness** – A person called to court to testify on behalf of a party about what he or she personally knows.