

STATE OF NEW YORK: COUNTY OF ROCKLAND
JUSTICE COURT: TOWN OF CLARKSTOWN: SMALL CLAIMS PART
Telephone: (845) 639-5970 Fax: (845) 639-5910

NOTICE OF CLAIM TO DEFENDANT (please write legibly)

DOCKET # _____

TO: _____

Defendant Phone No: _____

TAKE NOTICE THAT _____, PLAINTIFF, requests judgment in this Court against you for \$ _____ together with costs, upon the following claim:

In agreement with which the Plaintiff hereby signs and demands Judgment.

Plaintiff Signature _____ Address _____ Daytime Phone No. _____

There will be a hearing before the Court upon this claim on _____ at _____ o'clock AM/PM in the Small Claims Part of the Court held at Town of Clarkstown Justice Court, located at 20 Maple Ave., New City, NY, 10956.

YOU MUST APPEAR and present your defense and any counterclaim you may wish to assert at the hearing at the time and place set forth above (a corporation must be represented by an authorized officer or employee of the corporation, or by an attorney.) **IF YOU DO NOT APPEAR, A JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT EVEN THOUGH YOU MAY HAVE A VALID DEFENSE.** If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if requested, will issue subpoenas for witnesses, at no additional cost.

If you wish to present a counterclaim against the claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing, you must pay the Clerk a \$3.00 filing fee, plus the cost of one postage stamp, to send your counterclaim by first class mail to the claimant. If you fail to file a counterclaim within the five day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date.

If you admit the claim, but need time to pay, you must still appear on the day set for the hearing, and state to the Court your reasons for needing time to pay.

Dated

Court Clerk

NOTE: If you, the defendant, desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court, a written demand for a trial by jury. You must also pay the Clerk, a jury fee of \$10, and file an undertaking in the sum of \$50, or deposit such sum in cash to secure the payment of costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact that you wish to have tried by a jury and state that such trial is desired and demanded in good faith. Under the law, the Court may award \$25 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you. The Plaintiff cannot demand a jury trial in Small Claims Court.

If at the hearing it appears the defendant has a counterclaim in an amount up to but not exceeding \$3000.00, the judge may either proceed forthwith to hear the entire case, or may adjourn the hearing for a period of not more than 20 days, or as soon thereafter as may be practicable, at which adjourned time the hearing of the entire case shall be had. An adjournment shall be granted at the request of the claimant if the defendant did not file the counterclaim with the court within five days of receiving the Notice of Claim.

[A Guide to Small Claims Court can be found at nycourts.gov/courthelp/pdfs/SmallClaimsHandbook.pdf](http://nycourts.gov/courthelp/pdfs/SmallClaimsHandbook.pdf)

I HAVE READ THE GUIDE _____ (Initials)

BRING THIS NOTICE WITH YOU TO COURT

STATE OF NEW YORK: COUNTY OF ROCKLAND
JUSTICE COURT: TOWN OF CLARKSTOWN: SMALL CLAIMS PART
Town of Clarkstown, 20 Maple Avenue, New City, NY 10956
Telephone: 845-639-5970 Fax: 845-639-5910 Email: courts@clarkstown.org

SMALL CLAIM COUNTERCLAIM

Case Number: _____

TO: _____

Take notice that the undersigned has filed a Counterclaim against you for the amount of
\$ _____ upon the following:

Date: _____ Signature: _____ Phone Number: _____

Please note that no action is necessary on your part at this time. This case will be presented in Court with the original Small Claims case. The date this case is being heard is _____ at _____ AM/PM. You should be prepared to present your defense to this counterclaim at that time. If your counterclaim is supported by witnesses, account books, receipts or other documents, you must bring them with you.

Dated: _____

Court Clerk