



Small Claims Affidavit

Court Name _____ Case Number _____
Court Phone _____ Judge _____
Court Address _____

FORM USE: This form is used to start a small claims case and gives important case information. It is completed by the plaintiff. For information on small claims, see the *Small Claims Overview* (Form DC 84info).



You must go to court. The date and time of your hearing is set by the court and included on the *Small Claims Notice of Hearing*.

A

Information About the Parties

The **plaintiff** is the party starting the case.

Plaintiff Name

Plaintiff Address

Plaintiff Phone

Plaintiff Email

The **defendant** is the party being sued.

Defendant Name

Defendant Address

Defendant Phone

Defendant Email

The plaintiff is (select one)

- ☐ an individual. ☐ a partnership.
☐ a sole proprietorship. ☐ a corporation.
☐ other _____

The defendant is (select one)

- ☐ an individual. ☐ a partnership.
☐ a sole proprietorship. ☐ a corporation.
☐ other _____

☐ Check here if there are multiple plaintiffs or defendants. Complete and attach *Small Claims Affidavit Addendum* (Form DC 84a).

Note: This question asks whether anyone has previously filed a court case about this dispute.

1. Has a civil action between these parties or other parties arising out of the transaction or occurrence alleged in the affidavit been previously filed? (select one)

- ☐ No.
☐ Yes. (provide case information)

Court Name

Judge Name

Court Case Number

Case Status (select one)

- ☐ Pending (active)
☐ No longer pending (closed)

B**Claim**

2. The plaintiff understands and accepts that by filing in small claims, they give up the right to (a) collect more than \$7,000 on the claim, (b) have an attorney, (c) have a jury trial, and (d) appeal a judge's decision.

3. This claim is because of something that happened on this date or dates: (mm/dd/yyyy)

4. Enter the full amount of the claim.

► The court may award costs to the plaintiff. The amount of costs to award, if any, is determined by the court and is not part of the claim amount.

5. Describe the reasons for the claim. Include dates, amounts, and what happened. (attach more pages if needed)

C**Witnessed Signature**

 **Wait to sign this form until you are in front of a notary or deputy clerk.**

A notary public or deputy clerk will check your ID, have you swear or affirm that the information in this affidavit is true, and watch you sign. A **notary public** may be found at banks, libraries, shipping and packaging stores, or online. A **deputy clerk** is found at the courthouse.

PLAINTIFF OR PLAINTIFF'S REPRESENTATIVE

I have examined this affidavit and its contents are true to the best of my information, knowledge, and belief.

Plaintiff or Plaintiff's Representative Signature ▼

Printed Name

NOTARY PUBLIC OR DEPUTY CLERK

Was this notarized using an electronic or remote electronic notarization platform?

☐ Yes ☐ No

Notary Public or Deputy Clerk Signature ▼

Subscribed and sworn before me on (date)

Name _____

Notary public, State of Michigan,
County of _____

My commission expires _____

Acting in the County of _____

D Important Information for the Defendant

You are being sued by the plaintiff in small claims for money.

- A. **Court Hearing:** You must appear (go to) a court hearing. You should have received a *Small Claims Notice of Hearing* along with this *Small Claims Affidavit*. It contains the date, time, and location of your hearing. If you did not get this information, contact the court right away.
- B. **Missed Hearing:** If you do not attend the hearing, a default judgment may be entered against you. This means you may be ordered to pay the amount claimed (up to \$7,000) plus the plaintiff's costs.
- C. **Costs:** You may be required to pay the plaintiff's costs even if the case is settled before or at the hearing.
- D. **Judgment Payment:** If a judgment is entered against you, be prepared to pay the claim amount, including any costs. If you cannot pay the total amount at one time, you may ask the judge or magistrate for a payment plan (installment payments).

E Important Information for Both Parties

- E. **No Attorneys:** If your case is heard in the small claims division, you may not be represented by an attorney at any stage of the case.
- F. **Magistrate Hearings:** Your case may be assigned to a magistrate. A magistrate is an attorney appointed to hear cases. You have the right to ask that a judge conduct the hearing instead of a magistrate. You can make this request in writing or at the court before the hearing starts.

If your case is heard by a magistrate, you may appeal the magistrate's decision to the district court judge within 7 days of the date the judgment is signed. If your case is heard by a judge, the judge's decision is final and cannot be appealed.

- G. **Removal Requests:** Having your case heard in the small claims division is optional. The process of moving a case from the small claims division to the general civil division of the district court is called removal. Either party has the right to **remove this case from the small claims division to the general civil division of the district court**. If a case is removed to the general civil division, parties may hire attorneys, have a jury trial, and appeal decisions.

There are two ways to remove the case from the small claims division to the general civil division:

- **Option 1:** Complete a request in writing using the *Small Claims Demand for Removal* (Form DC 86) and return it to the court before the hearing.
- **Option 2:** Go to the hearing as scheduled. Before it starts, tell the judge or magistrate you want to remove the case to the general civil division.

- H. **Court Hours:** Evening and Saturday court hours may be made available if a written request is submitted and need for the request is shown.
- I. **Hearing Preparation:** Parties must **bring all evidence** (papers, witnesses, photos, emails, books, etc.) to support or defend this claim to the hearing.
- J. **Missed Hearing:** If the plaintiff does not appear at the hearing, the court may **dismiss the claim**. If the defendant does not appear, the court may **grant the claim up to \$7,000 plus costs**.
- K. **Court Forms:** Court forms are available at courts.michigan.gov/SCAO-forms.
- L. **More information:** More information about small claims is available at michiganlegalhelp.org/smallclaims.



Small Claims Notice of Hearing

This section is completed by the court.



Notice of Hearing

To Both Parties: You must come to court for a hearing on your small claims case.

Day, date, and time of hearing

Name of ☐ judge ☐ magistrate

Location of hearing (check all that apply):

☐ In person at

☐ Remote by videoconferencing

If both boxes are checked, you may choose to attend the hearing in person or remotely.

A. **Foreign Language Interpreters and ADA Accommodations:** If you need accommodations to fully participate in the hearing, complete one of the following forms and return it to the court's ADA coordinator right away.

- **Foreign language interpreter:** Use *Request and Order for Interpreter* (Form MC 81).
- **Other ADA accommodations**, including a **sign language interpreter:** Use *Request for Reasonable Accommodations and Response* (Form MC 70).

B. **ADA Coordinator Contact Information:** If you are unable to complete a form or have questions about accommodations, contact the court's ADA coordinator.

ADA coordinator name

ADA coordinator phone

C. **Court Forms:** Court forms are available at courts.michigan.gov/SCAO-forms.

D. **More Information:** More information about going to court is available at michiganlegalhelp.org/resources/going-court.