

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT
www.courts.state.nh.us

FILING a SMALL CLAIM COMPLAINT

General Information:

- The maximum amount you can claim in a small claims action is \$10,000. If your claim exceeds \$5,000, the claim will be subject to mandatory mediation.
- You must file at a court that has jurisdiction over the town where you reside, where the defendant resides, or in certain instances, where the cause of action took place.
- Refer to RSA Chapter 503 or N.H. Circuit Court Electronic Filing Rules and Small Claims Action Rules 4.1 – 4.13.
- Small claims are for money only. If you are seeking the return of actual property, you must file a Petition for a Writ of Replevin. This is a complicated process and is often done with the assistance of an attorney.
- Electronic filing is mandatory for the small claims process. However, upon a showing of extraordinary circumstances, the court may fully excuse a party from electronic filing. Such requests shall not be ordinarily granted.

The following form is required for this request along with the small claim complaint:

Request for Exception from Electronic Filing form (**NHJB-2895-DFPe**)

This form may be found at www.courts.state.nh.us.

- Use caution when filing confidential information. See E-Filing Rules 11 and 12 and the Instructions for the Filing of Confidential Information.

How do I access e-filing?

If you are working with an attorney, s/he will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Click "E-File Here" to enter the e-filing application.
2. If you have not already done so, complete the sign up/log in process. Follow the instructions on screen.
3. After you log in, select "*Small Claims – Start a New Case*" and enter the county and location in which this case is filed. Follow the instructions and prompts on the screen to complete the filing.

What information do I need to file the claim?

- The parties' names and addresses (residence and mailing). If suing a business, the type of business (sole proprietorship, corporation, LLC etc.) the name of a corporate officer or registered agent who can be responsible for accepting court paperwork for the business. The information may be obtained by calling the Secretary of State's Office at 603-271-3246.
- If the plaintiff is a business, the name of the authorized representative and the correct authorization AND a District Division Rule 1.3D Statement. See RSA 503:11 for more information.

SMALL CLAIM FILING INFORMATION SHEET

- A description of the claim (reason you are suing) including the business or other relationship between the plaintiff and defendant.
- You, the plaintiff, need to provide an e-mail address where you will receive all notices and copies of pleadings.
- The plaintiff's date of birth.

How much will this cost?

- \$90.00 filing fee for claims of \$5,000 or less.
- \$145.00 filing fee for claims of over \$5,000 - \$10,000.
- There may be an additional sheriff fee for service if mail service is unsuccessful. The sheriff's fee varies based on travel distance and the number of attempts required to serve the defendant.

What happens next?

- The court will mail the defendant a copy of the Small Claim Complaint by regular, first-class mail, which gives notice to the defendant to respond to the court by the return date. You will receive an electronic copy of the complaint and can find the return date (approximately 30 days from filing) on the bottom of the form. The return date is NOT a hearing date.
- If the defendant pays you, please notify the court by filing a Notice of Full or Partial Payment Received form so that the case may be closed.
- If the defendant fails to respond, the court may issue a default judgment in your favor. If the claim is returned to the court as undeliverable, the court will notify you of your options including completing service via the sheriff's department. If the defendant fails to respond after being served, the court may also issue a default judgment in your favor.
- If the defendant confesses judgment (admits to owing the debt), judgment will be entered in your favor and a payment hearing will be scheduled by the court.
- If the defendant disputes the claim and requests a hearing, you will receive a Notice of Hearing (by email) and information about the Small Claims Pre-Trial Hearing and mediation.
- If you have a hearing on the merits (trial), the judge may advise the parties of his or her decision that day or it may be sent to the parties at a later date.
- If you receive a judgment in your favor, refer to the information on the collection process for more information.

BE SURE TO NOTIFY THE COURT IF YOUR ADDRESS AND EMAIL ADDRESS CHANGES. FAILURE TO DO SO COULD RESULT IN THE ISSUANCE OF ORDERS AGAINST YOU OR WITHOUT YOUR INPUT.

If you have questions, please call the court at 1-855-212-1234.