

# INSTRUCTIONS FOR SMALL CLAIMS AFFIDAVIT IN WYOMING

Read these instructions carefully.

If someone owes you money and has refused to pay, you might ask a judge to order the other person to pay you. The money that is owed to you is a *debt*. A Court might give you a *Judgment and Order* that requires the other person to pay the debt.

The information in the next section can help you decide whether starting a small claims court case is a good choice for your situation.

## **Before You Get Started**

You might be able to start a Court case to ask for money that is owed to you by filing a Small Claims Affidavit. Wyoming law has these requirements for “small claims” cases:

- The amount that is owed to you must be \$6,000 or less.
- You already demanded payment and the other person refused to pay.

If the statements above are true in your situation, and you want to file a small claims case, these instructions can help you fill out the Small Claims Affidavit.

## **The top of the page on a Small Claims Affidavit.**

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Small Claims Affidavit, the Clerk of Circuit Court can give you this information.

The next blanks are for the name of the Plaintiff and the name of the Defendant. If you believe somebody owes you money, you are the Plaintiff. The person you believe owes you money is the Defendant.

The next blank is for the Case Number. When you file the Small Claims Affidavit, the Clerk of Court will give you the case number. (The Case Number might contain letters.)

Next you will see the title of the Small Claims Affidavit. It is written between the two long bars on the page. The title tells the Court that you are starting a small claims case.

## **Section 1.**

This section is a chart that you will use to tell the Court how much money the Defendant owes you. Fill this in with the correct numbers.

- **Principal** means the original amount of money, without anything else added to it.
- **Prejudgment Interest** means how much money is owed now because the Principal has not been paid yet. If you have a written agreement with the Defendant, it might say how much the Interest will be. It is possible there is no Interest.
- **Attorney Fees** means how much money you have paid to a lawyer to get help with this matter. It is possible there are no Attorney Fees.
- **Filing Fees** means how much you have to pay the Court to file this case. The Filing Fee is \$10.00 and that amount is written into the chart for you.
- **Service Fees** means how much you have paid to have a Sheriff or Process Server formally give (serve) documents to the Defendant. It is possible there are no Service Fees.

When you have written in all of the correct numbers, add them up carefully. Then write the **total** in the chart.

## Section 2.

On these long blank lines, write the explanation of *why* the Defendant owes you this money. It is common to feel angry and frustrated when someone owes you money, but it is important to be calm when you write your explanation. Be honest, and help the judge understand the situation.

## Section 3.

Another important way to help the judge understand the situation is to give the Court copies of paperwork that shows why the Defendant owes you money. You might have invoices, receipts, written agreements, contracts, emails, or other papers that show the debt.

Do not give the Court your original paperwork. When you file your Affidavit, take **copies** of the paperwork with you. In some Courts, the Clerk will file those copies along with your Affidavit. In other Courts, the Clerk will direct you to keep those copies and bring them back again when you have a hearing (meeting) with the judge.

If you have copies of paperwork that you want to show to the Court, check the box in Section 3.

#### **Section 4.**

This is how you tell the Court that you already demanded payment from the Defendant. If you cannot honestly check this box, your situation does not qualify for a small claims court case in Wyoming.

If the statement is true, check the box.

#### **Section 5.**

This is how you tell the Court that the Defendant refused to pay after you demanded your money. If you cannot honestly check this box, your situation does not qualify for a small claims court case in Wyoming.

If the statement is true, check the box.

#### **Section 6.**

It is important for the Court to know if the Defendant is a deployed active-duty member of the United States Armed Forces because that will affect whether the judge can order the Defendant to pay you now.

If the statement is true, check the box.

#### **Section 7.**

Fill in as much of the Defendant's contact information as you can. The Court will use this information to give the Defendant documents from the case.

#### **Section 8.**

This section is a statement telling the Court that you are following the laws in this case. Do not change anything in this section.

#### **Section 9.**

This is called a "prayer for relief." This statement tells the Court that you want the judge to give you all of the benefits that are appropriate in your case. Do not change anything in this section.

#### **The Signature Section.**

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true.

If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.  
Review your answers carefully before you sign the Small Claims Affidavit.

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line.

Print your name neatly. Write in your phone number, your mailing address, your work address, and your email address. The Court will use this information to contact you and keep you aware of what is happening in the case.

The Clerk or Notary will fill out the bottom of the page, beginning with the line that says “subscribed and sworn.”

### **Filing the Small Claims Affidavit and Providing Other Forms**

You must file the Small Claims Affidavit with the Clerk of Circuit Court.

It is a good idea to take two extra copies of the Small Claims Affidavit with you. One will be a copy that you keep, and one will be a copy that the Defendant gets. If you do not take copies with you, the Clerk can make copies. Important Note: The Clerk’s Office will charge you for copies. Expect to pay at least \$1.00 per page.

When you go to the courthouse to file the Small Claims Affidavit, you will also take with you a few other forms. These are forms called Small Claims Summons and Return of Service by Sheriff or Deputy and Affidavit of Service. You can find these forms and the instructions for them on the Wyoming Judicial Branch website.

### **Checklist**

Before you go to the courthouse to file the Small Claims Affidavit, review this checklist to make sure you have all the papers you need.

You are not required to include these, but it will be very helpful if you do:

- Copies of any invoices, receipts, or agreements that support your claim that the Defendant owes you money.

You must also take with you:

- A Small Claims Summons.
  - A Return of Service by Sheriff or Deputy.
  - An Affidavit of Service.
- ❖ You can find these forms and the instructions for them on the Wyoming Judicial Branch website.

## Important Things You Need to Know

### What counts as *demanding* payment and being *refused*?

The statute (law) does not explain what *demanding* and *refusing* have to look like. You will need to think carefully about your situation and decide if you think it counts.

### What happens after I file my Affidavit?

The Court will schedule a hearing (meeting) to give you and the Defendant a chance to tell a judge about this situation. When you go to the hearing, take with you all of the evidence that you have to help prove your claim. Also take with you any witnesses who can give testimony about your claim. The Defendant will also be expected to take their evidence and witnesses to the hearing.

**Important Note:** A witness giving testimony will be under oath when talking to the judge about your claim. There may be criminal consequences for any witness who does not tell the truth.

After the hearing, the judge will issue a *Judgment and Order* that explains what the judge has decided. You and the Defendant will be required to abide by the Judgment and Order. That means you will both have to do what the Judgment and Order says.

### How will I know when the hearing is going to happen?

The Court will give you and the Defendant a completed *Summons*. The *Summons* will tell both of when and where the hearing is going to happen.

Please read the *Instructions for Summons, Return, and Affidavit of Service in a Small Claims Case*. You can find these instructions on the forms page of the Wyoming Judicial Branch website.

### What is a Notary and where can I find one?

A Notary Public (usually just called “a notary”) is a person who has a license to witness people signing legal papers and to confirm that the signatures are authentic (which means the signatures are real and were done on purpose). **A notary will probably require you to show your driver’s license or some kind of photo ID to prove that you are really you.**

Some notaries charge for their services, but it is usually easy to find a notary who will witness your signature and sign your paper for free. If you have an account at a local bank, you can probably get free notary services at that bank. Most libraries also offer free notary services.

### Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms. Here are some free resources that can help:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955. This service is for people who have limited income and limited assets.

- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer. <https://wyoming.freelegalanswers.org/> This service is for people who have limited income and limited assets. The volunteer lawyers on the website cannot assist with business matters, which includes owning or managing rental properties.
- Volunteer Reference Attorney Program. This program lets you have a short informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Equal Justice Wyoming website. This service is for people who have limited income and limited assets. Volunteer Reference Attorneys cannot assist with business matters, which includes owning or managing rental properties.

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-632-9061 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

Where can I read the Wyoming laws about small claims cases?

These laws are found in Wyoming Statutes Title 1, Chapter 21, Article 2.

You can read them online by visiting the Wyoming Legislative Service Office website (<https://wyoleg.gov/>) or you can look at statute books at your local library.