

INFORMATION SHEET: CIVIL CASE PLAINTIFF

As the person bringing the lawsuit, you are referred to as the plaintiff. The person you are bringing the lawsuit against is the defendant.

As the plaintiff, you must fill out the civil complaint form entirely. Court personnel may assist you if requested, but they may only write down what you tell them and cannot give you advice about your particular case.

THE COMPLAINT: It is **IMPORTANT** that you give a proper address for each defendant. The physical location of where the defendant can be found is necessary - a **post office box alone is not enough if service of process is to be completed by the sheriff.** Directions to the home of each defendant are acceptable. The first and last name of each defendant is required. In addition, the date on which the claim arose, the nature of the claim and the nature of the relief you are requesting has to be included.

CHARGES: Before the magistrate court accepts a civil complaint, filing fees, court costs and service of process fees involving the court must be paid. However, if you have filed an affidavit of indigency and have been granted a waiver, the case will proceed without payment of these costs and fees.

COSTS: The following filing costs are charged in civil actions in magistrate court and collected in advance. If the dollar amount of the relief requested in the complaint is:

\$ 0.01 to \$ 500.00:	the cost is \$50.00, plus service fees
\$ 500.01 to \$ 1,000.00:	the cost is \$55.00, plus service fees
\$1,000.01 to \$ 2,000.00:	the cost is \$60.00, plus service fees
\$2,000.01 to \$10,000.00:	the cost is \$70.00, plus service fees

- If a civil suit seeks relief other than money damages, the cost is \$50 plus any appropriate service of process fee for each defendant.
- A copy of a bill, estimate, etc. may be provided at the time of filing. No judgment by default may be granted without enough proof of your claim.

METHODS OF SERVICE OF PROCESS AND FEE FOR EACH METHOD: To begin a civil suit the defendant must be notified of the civil suit by serving a copy of the summons and complaint by certified mail, first-class mail, or by personal service on the defendant or family member. As the plaintiff you are responsible for choosing how the defendant will be notified of your civil suit and pay for the method of service you select.

- If you want the court to handle notification of the defendant, you may choose to have the clerk send the summons and complaint by certified mail [which costs \$20], or first-class mail [which costs \$5].
- If you request service by the sheriff, the summons and complaint will be sent to the sheriff's office of attempted personal delivery on the defendant(s). The cost of service through the sheriff is \$25 per defendant. A service of process fee is charged for each defendant served.
- You also may hire a private process server or get another person who is over the age of 18 and is not a party, to attempt personal delivery of the complaint and the summons. If a private process server is to attempt service of process, no process fees are paid to the court.