

# CITY COURT OF JENNINGS

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## SMALL CLAIMS PROCEDURES

### WHAT IS SMALL CLAIMS COURT?

The Small Claims Division is a part of the Jennings City Court established pursuant to Louisiana Revised Statutes 13:5200-5212. Jennings City Court has jurisdiction over all of Ward II of Jefferson Davis Parish. You may sue to resolve minor civil disputes up to \$5000.00 plus court costs and interest.

You do not need an attorney to represent you, but you may want to seek legal advice before you file a claim. Judges and court personnel are not allowed to give legal advice.

You must be 18 years of age or older to file a claim, but minors and incompetents may sue through a parent or guardian.

You will be required to pay a deposit before filing your suit. Court personnel will provide you with a schedule of fees. The deposit is an advance toward the actual costs incurred. Final costs cannot be predicted. If the costs exceed the deposit, you will be required to pay additional deposits as the case progresses.

### WHAT TYPES OF SUITS MAY BE FILED IN SMALL CLAIMS COURT?

You may sue if you believe someone owes you money on open accounts, promissory notes, personal loans, contractual disputes, unpaid rent, faulty workmanship, damages, etc.

### WHAT TYPES OF SUITS *MAY NOT* BE FILED?

You may not sue for cases involving annulment, separation, divorce, alimony, separation of property, succession, interdiction, receivership, liquidation, habeas corpus, titles to real estate; suits against a state agency, parish, municipality, other subdivision, or a public official performing official duties.

### WHAT DO I DO BEFORE FILING SUIT?

Send a demand letter to the defendant, person you are suing, by certified mail. Include detailed information about what you are claiming. Keep a copy for your records.

### WHAT DO I NEED TO FILE A SUIT?

You will need to have the following information:

1. Total amount of your claim.
2. Proper name and current address of the defendant.
3. Important documents which support your claim.  
These may include contracts, bills, receipts, estimates, statements, promissory notes, etc.
4. Copy of the demand letter you sent to the defendant along with the signed green return card for certified mailing or unclaimed envelope.

### HOW DO I FILE SUIT?

Come to Jennings City Court with your documents and deposit. You, the plaintiff, will complete an information sheet. The court's civil personnel will prepare the pleadings which will include a petition and an affidavit for you to sign, a citation and an answer sheet. Copies of your supporting documents will be attached for service.

### WHAT HAPPENS AFTER I FILE SUIT?

The defendant has ten (10) calendar days (inclusive of holidays and weekends) in which to answer following the date of service. You will be notified to provide a current address if the defendant is unable to be located. If the defendant files an answer, you will receive a copy along with a notice of trial/hearing date. If the defendant fails to answer, you will receive a notice of hearing date. You will need to appear before the Judge and prove by competent evidence that the defendant owes you the money you claim. If judgment is rendered in your favor, a judgment will be signed. If judgment is rendered in favor of the defendant, your suit will be dismissed and you may not recover any court costs. If the defendant fails to answer, and your claim is based on a promissory note or an open account, and if there is sufficient evidence contained in your pleadings, your personal appearance may not be necessary. In that case, an affidavit of correctness will be mailed for you to complete. Once returned, the Judge will review the record and sign a judgment.

### WHAT HAPPENS IF THE DEFENDANT PAYS BEFORE JUDGMENT?

If the defendant pays the amount you sued for plus court cost, you may dismiss the suit. Contact the court to make sure no outstanding balance is due. You will need to sign a dismissal.

### WHAT HAPPENS AFTER JUDGMENT?

If judgment is rendered in your favor, you will receive a bill for additional costs needed to serve the notice of judgment. Once the costs are paid, a certified copy of the judgment will be mailed to you and a notice of judgment will be issued for service on the defendant by personal or domiciliary service or by mail as required by law.

You may record the judgment in the mortgage records of this parish or another parish. The judgment is valid for ten (10) years unless satisfied and cancelled. The judgment may be renewed before the end of that period if not satisfied. You will need to pay a deposit and file the necessary documents to renew the judgment.

### WHAT IF THE DEFENDANT DOESN'T PAY ME?

A judgment merely establishes that the defendant owes you money. It does not necessarily mean you will be paid. In order to collect your money, you may have to take further action. If the defendant has not paid you three (3) days after the judgment was signed, or notice of judgment was mailed or served, you may garnish the defendant's wages if you know the place of employment or seize non-exempt property that belongs to the defendant. Additional deposits are required for these procedures.

If you need more information about the defendant in order to proceed, you may file a judgment debtor rule which orders the defendant to appear in court and produce evidence of employment status and assets. An additional deposit is required for this action.

### WHAT DO I DO ONCE THE JUDGMENT IS SATISFIED?

You should notify the court in writing once the judgment has been satisfied. Please provide the recordation information. An authorization to cancel and request for cancellation will be prepared for you to complete and mail to the defendant. The defendant is responsible for paying the fees to cancel the judgment. If you did not record the judgment, a satisfaction of judgment will be prepared for you to sign and return.