

**FILING OF SMALL CLAIMS**

In order to bring an action in the Small Claims Part of the Justice Court of the Town of Canadice, the party being sued must either **(a)** live in the township, **(b)** work in the township or **(c)** have a place of business in the township.

Small Claims cases must be for money, not property (except in cases involving rent due), and are limited to \$3000.00 or less. Corporations and Partnerships **cannot** initiate action in the Small Claims Court. To initiate a small claims case, please fill out the bottom of this form and the top portion of the enclosed "**Notice of Small Claims**" form as follows:

1. After "To:" enter the name and mailing address of the person and/or firm you are filing against. **Note: Use the given name of individuals.** That is, use "Thomas R. Smith" **not** Tom Smith.
2. After "Take Notice that" enter **your** given name.
3. After "against you for \$" enter the dollar amount you are seeking.
4. After "upon the following claim:" **briefly** describe your claim; that is, state the reason why you feel the individual owes you money.

Send this form, the *Notice of Small Claims*, and a **money order or cashier's check** (no personal checks) for \$15.00 for claims of \$1000.00 or less, or \$20.00 for claims of \$1000.01 or more, payable to "**CANADICE JUSTICE COURT**" at: **5949 County Road 37, Springwater, NY 14560.**

**Your Case will be scheduled for a hearing between twenty-two (22) and forty-five (45) days after filing in the Court.** The twenty-two (22) day period is important regarding service as there is a presumption in the law that a letter sent by first-class mail and not returned to the sender within twenty-one days shall be deemed to have been delivered. That is, the defendant is presumed to have received notice even if the certified mail is refused.

You will be notified of the date and time of the hearing by return mail.

Your Full Name: \_\_\_\_\_

Your Mailing Address: \_\_\_\_\_

Your Telephone Number: (\_\_\_\_) \_\_\_\_\_

Your Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



= *Canadice Town Court* =

5949 County Road 37  
Springwater, New York 14560  
Telephone: (585)367-3590 Fax: (585)367-9477

State of New York  
County of Ontario  
Canadice Town Court ~ *Small Claims Part*

\_\_\_\_\_ (Docket Number)

Plaintiff: \_\_\_\_\_

Notice of  
Small Claims

Defendant: \_\_\_\_\_

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To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Take Notice that \_\_\_\_\_ asks judgment in this Court against you for  
\$ \_\_\_\_\_ together with costs, upon the following claim: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

There will be a hearing before the Court upon this claim on Thursday, \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_: \_\_\_\_ o'clock \_\_\_\_ M., in the Small Claims Part, held at the Canadice Courthouse, 5949 County Road 37, in the  
Town of Canadice.

You must appear and present your defense and any counterclaim you may desire to assert at the hearing at the time  
and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or  
employee). IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT  
EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. If your defense or counterclaim, if any, is supported by  
witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if  
requested, will issue subpoenas for witnesses, without fee therefor.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to  
the Court your reasons for desiring time to pay.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Krista Hoover  
Canadice Court Clerk

NOTE: If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written  
demand for a trial by jury. You must also pay to the clerk a jury fee of \$55 and file an undertaking in the sum of \$50, or deposit such sum in cash  
to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact  
which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith.

Under the law, the Court may award \$25 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.