

Toledo Municipal Court
555 N. Erie St.
Toledo, OH 43604

How Can I Recover Money Damages for \$3,000 or Less?

A Guide to Toledo Municipal Small Claims Court

What is “Small Claims Court”?

Small Claims is a division of Toledo Municipal Court, which allows a plaintiff to file a civil claim against a defendant to recover money damages *ONLY*, up to \$3,000 or less.

Can I file a Small Claim in Toledo Municipal Court?

The court’s Small Claims Division has jurisdiction to adjudicate claims for cases where either: 1) the incident happened within the City of Toledo, Village of Ottawa Hills or Washington Township; or 2) the defendant being sued is a resident of the City of Toledo.

Do I need an attorney to file or go to court?

An attorney is *not required* to file or litigate in Small Claims Court. Plaintiff’s seeking money Damages *may* file a claim *pro se*, meaning advocating for ones self without retaining an attorney. While you may hire an attorney to represent you for a small claim, *it is not required*.

How much does it cost to file a small claim?

The filing fee for a Small Claims Complaint is **\$55.50** for a claim against (1) defendant. For each additional defendant on a claim, a fee of **\$11.50** will be charged. Payment can be taken by cash, check or money order. If a final judgment is entered in your favor, court costs, including filing fees, may be recovered in addition to the judgment.

What do I need in order to file?

In order to file, you must provide the defendant(s)’s *name* and a *valid mailing address* in order for the court to serve them notice of the lawsuit. A hearing cannot take place until sufficient service on a defendant has been perfected.

Where do I file a small claim?

Claims may be filed in Toledo Municipal Court, 555 N. Erie St. Toledo, OH 43604. The Small Claims division is located in the basement and hours of operation are 8:00 a.m. to 4:30 p.m. A *Complaint Form* and *Praecipe* are available in the office. Staff can assist you in filling out both forms. You do not need to bring any evidence to file. You will only be required to list your name, address and phone number, provide the defendant’s name and address and write a brief description of the nature of your claim.

Can I fill the Complaint form out at home?

Small Claims forms are also available online at www.tmc-clerk.com by clicking “forms” in the left column and downloading “Small Claims Complaint” and “Praecipe 1.” **NOTE:** *If you choose to fill out and sign forms outside the small claims office, you will need to bring the original documents and three (3) copies of the complaint form, which must be signed and notarized by a notary public.*

When will my court date be?

Typically, hearings are set approximately twenty-eight (28) days from the date of filing. If service on the defendant is perfected, a hearing will occur on the set court date. If service is not perfected, the court date will be reset until service is perfected. All Small Claims cases are set before Magistrates, Monday through Friday, at 9:00 a.m. in Court Room #9, located on the 3rd floor of the courthouse.

What do I need to bring to court?

Plaintiffs may bring all documents relating to their case including photos, estimates, receipts, bills, contracts and the like. With the exception of photos, you must bring three (3) copies of all other documents you wish to present as evidence. If your complaint involves damage to your vehicle, you must bring the title to prove the vehicle belongs to you. Additionally, you should bring any police reports and three (2) estimates to repair the damage.

Can I bring witnesses to my Hearing?

You may bring witnesses to testify at the hearing. If a witness is reluctant to testify, you may have him/her subpoenaed. Subpoenas must be filed within seven (7) days before the scheduled hearing date. They may be filed for \$10.00 in the Small Claims office, and you will need to provide the person’s name and address.

What do I do after the hearing?

After the hearing, the magistrate will issue a *recommendation*. This is *not* a final judgment. The recommendation is subject to a 14-day period for the opposing party to object to the magistrate’s findings. After the objection period, the recommendation will go to a judge who will review the recommendation and issue a *Final Judgment Order*. When you receive final judgment, you may begin the collection process.

How do I collect from a defendant after a final judgment?

A judgment gives you a legal right to collect the amount awarded by the court, but does not force a defendant to pay. If the party whom judgment is against refuses to pay, you may pursue legal collection methods including Non-Wage or Bank Garnishments, Wage Garnishments, Liens, or Executions. Detailed information on how to pursue collecting judgment is available in the Small Claims Office.