Vermont Superior Court
Civil Division
Small Claims
www.vermontjudiciary.org

INCLUDE IN PACKET SERVED ON DEFENDANT (BY MAIL OR SHERIFF / CONSTABLE)

SMALL CLAIMS INFORMATION AND INSTRUCTIONS FOR DEFENDANT

You are being sued in a small claims case by the person or business named "Plaintiff" in the "Complaint." The plaintiff is suing you for the reasons stated in the Complaint.

If you have trouble speaking or understanding English, you should ask the Court for assistance as soon as possible.

YOU MUST ANSWER THIS SUMMONS WITHIN 30 DAYS BY COMPLETING AND RETURNING THE ORIGINAL ANSWER TO THE COURT AND A COPY TO PLAINTIFF.

- If you agree that you owe the money, check the "AGREE" box on the Answer form, and check whatever box in the section that applies, and return it to the Court and send a copy to the plaintiff. Payment should be made directly to the plaintiff.

    - If you agree that you owe the money, but cannot pay it all at this time, check the box that requests an installment judgment and indicate the amount of money that you can pay, as well as the pay period and start date for any payments. Note that this "payment schedule" must be reasonable and is subject to the approval of the Court. If the plaintiff objects to your payment schedule, a court hearing will be held.

      If you decide to pay the debt, you must also pay the plaintiff for the filing fee and any sheriff's costs.

- If you think you do not owe the plaintiff part or all of the money that you are being sued for, you should check the "DISAGREE" box on the Answer form, briefly describe your reasons why and return it to the Court and a copy to the plaintiff. **The court will schedule a hearing**. **Please Note – the hearing schedule varies from court to court and you may not receive a notice right away.** At the hearing the plaintiff will have to prove you owe the money. You must keep the Court informed of your current address so that the Court can send you notice of the date and time of the hearing.

- Whether you agree you owe the money or not, if you think that some or all of your income may be exempt from collection, you should check the box and send a Disclosure of Exempt Income form to the Court. The form and the List of Exemptions are available on the https://www.vermontjudiciary.org website or at the clerk's office. This is not a defense and does not mean you will not get a judgment against you. It does let the plaintiff know that they may not be able to collect the money from you if they get a judgment.

- If you think the plaintiff owes you money, check the Counterclaim box on the Answer form and refer to the Guide to Small Claims Proceedings in Vermont booklet for information about filing a counterclaim and the applicable filing fee. If the plaintiff owes you more than $10,000, you may need the services of a lawyer and if you choose to sue in small claims court, you give up your right to the amounts over $10,000. If the money the plaintiff owes you is for a consumer credit transaction or medical debt, the maximum amount you can ask for is $5,000. See 15 U.S.C. § 1679a and 18 V.S.A. § 9481 for definitions of "consumer credit transaction" and "medical debt."

Small claims hearings are simple and designed to be as informal as possible. However, you do have a right to bring a lawyer if you wish. At the hearing, you should come prepared to present your side of the case. You should bring any people, papers or anything else that might help your case. If you bring papers, you should bring a copy for the Court and for the plaintiff.

REMEMBER, THIS CASE HAS NOT YET BEEN DECIDED BY A JUDGE.

IF YOU FAIL TO ANSWER THE SUMMONS AND COMPLAINT WITHIN 30 DAYS OF THE DATE THAT IT WAS MAILED TO YOU, THE PLAINTIFF MAY PROCEED TO HAVE YOU PERSONALLY SERVED BY A SHERIFF OR CONSTABLE, AND THE COST MAY BE ADDED TO ANY JUDGMENT ISSUED AGAINST YOU.

IF YOU THEN FAIL TO ANSWER WITHIN 30 DAYS OF SHERIFF OR CONSTABLE SERVICE, THE JUDGE MAY ISSUE A DEFAULT JUDGMENT AGAINST YOU FOR THE AMOUNT OF THE PLAINTIFF'S CLAIM.

IMPORTANT: NOTIFY THE COURT IN WRITING OF ANY CHANGES IN YOUR ADDRESS OR PHONE NUMBER.