



SMALL CLAIMS COURT



DOES SOUTH CAROLINA HAVE SMALL CLAIMS COURT?

Yes. In South Carolina, the Small Claims Court is called the Magistrate's Court. South Carolina has approximately 300 Magistrates.

WHAT TYPES OF CASES ARE HANDLED BY THIS COURT?

The Magistrate's Court, sometimes referred to as small claims court, has jurisdiction over civil case. They have the authority to hear civil cases involving claims up to \$7,500. In some cases, such as landlord-tenant disputes, the claims can be more than \$7,500.

HOW DO I CONTACT THE MAGISTRATE?

The Sumter Magistrate's office telephone number is 803-436-2280. Richland County Magistrate can be reached at 803-576-2570. Lexington County Magistrate can be contacted at 803-785-2384. Employees at the Magistrate can refer you to the proper office.

WHAT DO I DO IF SOMEONE HAS FILED A SMALL CLAIMS COURT CASE AGAINST ME?

"If you've received a Small Claims Court Complaint against you, then you have 30 days to answer the complaint. However, if the claim is less than \$25, then you have 5 days to answer. You can answer the complaint either orally or in writing. In addition to answering the claim, you may file a Counterclaim, assuming you have grounds for it." <https://www.charlestonlaw.net/SMALL-CLAIMS-SOUTH-CAROLINA/>

WHAT HAPPENS IF THE DEFENDANT DOES NOT ANSWER OR DENIES THE CLAIM?

If the defendant fails to answer your complaint within the 30 days required, you may be given a judgement by reason of default. When your damages cannot be measured with certainty, you may be required to appear in court and provide testimony and evidence to support your claim.

If the defendant answers your complaint within the 30 day period and denies your claim, a trial will be scheduled. If either party wants a jury trial, it must be requested in writing at least 5 working days prior to the date set for trial. <https://www.schar.org/public/get-legal-help/common-legal-topics/magistrates-small-claims-court/>

SHOULD I GET A LAWYER?

You are not required to hire an attorney unless you so desire. It depends upon how much a lawyer would charge you vs. the value of your claim. It also depends upon how complicated your claim may be.

OUTCOME OF YOUR TRIAL

"If you win your case, you will be given a judgment. Be aware that even if the court decides in your favor, you may have difficulty in actually collecting money from the other person. This is because the decision or judgment of any court to award money to a winning party must be enforced by court order to seize the losing party's property and to sell such property at a public auction. The money received by such a sale of property is then given to the person who won in court. The big problem is that the losing party may not own any property

or his property may have prior claims ahead of yours or it may be exempt by law from seizure and sale.” Additionally, that you may request a wage garnishment if the court would allow.

“A losing party has the right to appeal the decision rendered in the magistrate's court to the circuit court. When this is done, the circuit court looks at the record in the case and determines whether or not the magistrate made any mistakes in his rulings and whether or not the judgment is supported by the evidence.

The circuit court does not take testimony or conduct another trial. Be sure to ask the court personnel about your right to appeal.” <https://www.scbbar.org/public/get-legal-help/common-legal-topics/magistrates-small-claims-court/>

DISCLAIMER: THIS HANDOUT PROVIDES A GENERAL EXPLANATION OF SMALL CLAIMS COURT. DO NOT RELY EXCLUSIVELY ON THIS HANDOUT. IF YOU HAVE ADDITIONAL QUESTIONS OR SEEK ADVICE REGARDING THIS SUBJECT PLEASE:

CONTACT THE LAWYER REFERRAL SERVICE, OF THE SOUTH CAROLINA BAR, AT 1-800-868-2284 (IN SUMTER: 803-799-6653) FOR A REFERRAL TO A LAWYER WHO PRACTICES IN THIS AREA OF LAW. IF YOU ARE INDIGENT AND UNABLE TO PAY FOR A LAWYER’S SERVICE, YOU MAY WANT TO CONTACT THE LEGAL AID TELEPHONE INTAKE SERVICE AT 1-888-346-5592 TO SEE IF YOU QUALIFY FOR FREE OR REDUCED LEGAL SERVICES.