

SMALL CLAIMS RULES CHIPPEWA COUNTY, WISCONSIN

RETURN DATE-APPEARANCE AND ANSWER

ALL PARTIES MUST APPEAR. Defendants must state or file a detailed answer alleging facts. General denials are insufficient and may result in a judgment for the plaintiff.

If a defendant does not appear, the plaintiff will be entitled to a judgment if the complaint states a proper complaint. If the defendant resides out of state, the court will allow a written answer to be filed, instead of a personal appearance.

If a plaintiff does not appear, the complaint shall be dismissed without prejudice, and costs may be awarded to the defendant as allowed by statute. **Complaints dismissed because the plaintiff failed to appear require that a new action must be commenced.**

Any person appearing on behalf of a party **must** have authorization to settle the case. **If a party appears without full authority to settle the case, the case shall be dismissed without prejudice and a new action must be commenced.**

The Small Claims Commissioner shall conduct a settlement conference in all contested matters on the return date. If a settlement is not reached, a trial date will be set before the Court Commissioner on a future date for all contested money actions. Evictions, replevins, and garnishment trials shall be set before a Judge. **Whenever possible, eviction trials will be held on the return date before one of the Circuit Court Judges.**

SERVICE

Small claims summonses and complaints may be served by regular mail, certified mail, or personal service if the defendant lives in Chippewa County. Personal service is required on all eviction actions and non-county residents. Certified mail or personal service is required on all replevin actions.

PLEADINGS

All pleadings **must** be filed before being served, Sec. 799.12(7) of the Wisconsin Statutes.

Pursuant to Sec. 218.04(9j), a collection agency may bring a consolidated creditors action, but it is not allowed to appear in court without counsel. When multiple plaintiffs appear in the same action, the collection agency for those plaintiffs **must** submit a bill of costs apportioning the costs and fees among the various plaintiffs.

Evictions: Per Chippewa County Circuit Court Rule 903.01, the following documents **MUST** be filed with the Summons & Complaint: (A) The name of the owner of the rental property; (B) The name of the person(s) authorized by the landlord to act on behalf of the landlord; (C) A copy of any written lease; (D) A copy of the notice to vacate.

DECLARATION OF NONMILITARY SERVICE

To provide the Court with the defendant's current military status as required by the Servicemembers Civil Relief Act, A Declaration of Nonmilitary Service form must be completed and filed on or before the Return Date Hearing. The military status website can be found at <https://scra.dmdc.osd.mil/>.

For general information on small claims court, A Basic Guide to Wisconsin Small Claims Actions is available on the Internet at www.wisconsincourts.gov. (Click on **Self Help Center** and select **Going to Court**). You can also purchase a copy of this Guide at the Clerk of Courts office.