

## INSTRUCTIONS FOR FILING CLERK'S SUIT

1. Please remember that you are your OWN attorney. We will be happy to assist you in any way possible, including preparation of the Affidavit, but once the suit is filed it is your responsibility to keep up with your dates and to request that a Judgment be issued after the delays for answering have run. Judgments ARE NOT automatically issued.
2. There is a \$5,000.00 limit on the amount you may sue for and each suit requires a \$250.00 Advance Deposit for one defendant and \$75.00 per each additional defendant, which must be paid up front upon filing the suit.
3. You are entitled to recover that amount of cost you actually incur. It is possible that the cost may be more or less the amount of \$250.00. If the costs are less, the difference will be refunded to you. If the costs are more than \$250.00, you will be responsible for the extra cost.
4. We DO NOT accept payment from the defendant. Payment must be made directly to you. When a defendant wished to pay off the debt, you MUST call, contact this office WHILE THE DEFENDANT IS STANDING THERE in order to find out the exact amount of cost the defendant owes. You are NOT entitled to collect the entire \$250.00 deposit unless that amount has been used up as cost.
5. If a defendant wished to make a partial payment or if you can agree on a payment plan after you have filed the suit in the Clerk's Office, this will not stop you from obtaining a Judgment at a later date in the event the defendant fails to continue payments as promised. You are entitled to a Judgment for the principal amount sued for LESS any credits paid by the defendant.
6. A Clerk's Suit works as follows:
  - A. Once suit is filed this office prepares a "Citation" to the defendant setting forth the nature of your claim, the date filed and the amount owed. The Citation informs the defendant that they have TEN (10) DAYS from the date citation is received by them to contest it.
  - B. The Citation goes to the Sheriff's Department and a Sheriff's Deputy serves the Citation on the defendant. The TEN (10) DAY period starts running when the defendant is SERVED and NOT on the date the suit is filed.
  - C. Once the Ten (10) Day period has run and the defendant has not contested the suit you are then ENTITLED TO REQUEST IN WRITING that the Clerk's Office issues a Judgment.
  - D. If the Defendant contests any portion of the suit prior to the issuance of the Judgment, the suit automatically transfers to District Court. This simply means that a trial date must be requested, IN WRITING, by you for the Judge to set a Court Date when the Judge will hear both sides of the case and render a decision. Both you and the defendant will be notified of any hearing dates, but one of you must ask that a date be fixed. This is not automatically done.
  - E. Any Judgment you obtain against the defendant may be filed in the Mortgage Records of this office and will act as a "Judicial" Mortgage against any property he owns. This judgment is valid for Ten (10) Years from date obtained. You may also record the Judgment in other Parishes where the defendant owns property.