

GUAM SMALL CLAIMS COURT

Why File in Small Claims Court? If someone on Guam has inflicted up to \$10,000 worth of damage on you or your personal or real property you can recover this damage in small claims court. This is a good option for many people who have been wronged, because it is far easier and cheaper than a traditional law suit. Most importantly, you do not need to pay for an expensive lawyer.

How Do I Begin the Process? Go to the Clerk of the Superior Court Small Claims Division (120 West O'Brien Drive Hagåtña, Guam 96910-5174) and ask for the Small Claims forms. You may also obtain them on the internet at <http://www.guamsupremecourt.com/Small%20Claims/smallclaims.html>. They consist of a Summons, Declaration and a Docket form. The forms are all self explanatory and easy to fill out. The Small Claims clerk can assist with filling out these forms. Once the forms are completed, file it with the Small Claims Clerk and you must pay the filing fee. The Clerk will date stamp your forms and assign a case number. You must make certain that the other party receives copies of all documents (served with process). This can be done by a representative of the Court. The Clerk can direct you on how to proceed with service.

How Does it Work? After you file the paper work, the Court will set a date for the hearing after 20 but no later than 30 days. (As plaintiff, you are required to be present at all scheduled hearings. If you fail to appear, your case could be dismissed.) At the hearing, you will tell your side of the story and then the person that you are suing will have an opportunity to tell their side. You will also have the opportunity to put on witnesses and documentary evidence. (Be prepared! The person with the best evidence should win.) At the end of the hearing, the Judge will either immediately give you a decision or will tell you when the decision will be available.

How Do I Collect My Judgment? If you are successful, collecting or enforcing your judgment is your responsibility. The Small Claims Clerk can provide you with the necessary forms to help you collect your judgment. Collecting can be frustrating as it may require extra effort, time and costs. If the defendant refuses to pay you will need to file a Declaration and Order for Examination Judgment Debtor and Related Supplemental Proceedings. This requires a fee of \$5.00, a hearing date and time, and a service to the defendant. Examination of Judgment Debtor is the second hearing in which the Plaintiff asks questions of the defendant(s) assets, and why he/she has not paid any money, or when can the judgment be paid in full. If this is not successful, the defendant's assets can be sized and they can even be put in jail.

Important Checklist:

1. Contact the other party to discuss and try to resolve the problem.
2. Familiarize yourself with Small Claims Court procedures.
3. Determine exact amount in dispute.
4. File a claim form and pay filing fee.
5. Arrange for service of process on each defendant and make sure proof of service is filed to court five days prior to the hearing date.
6. Prepare for court (organize thoughts, collect evidence and talk to witness).
7. Keep communication open; try to resolve dispute with the other party before the hearing.
8. Attend all court hearings and be prepared to present your case.