

Civil Actions in the Walker County Magistrate Court

There are several things that you should know before filing a claim and we will not be able to cover them all in this information sheet, but in an effort to assist you in filing and representing your claim, we offer the following general information.

First of all we are a **Court and not a Collector** and are required by law to be impartial. We cannot tell you what to say or how to file your claim or the probability of winning or losing. Also, you should be aware of the fact that the only thing any court can do in a civil action is render judgment. This judgment gives the authority to **(attach property of a losing party, such as a garnishment of wages or bank accounts, or personal property)** such as a vehicle, to mention a few. You should consider these facts before filing.

If you have decided to file there will be a charge of **\$94.00** when you file,(this is for filing and service of the summons), there will be additional cost if there is more than one defendant. The Walker County Magistrate Court has jurisdiction over persons residing in Walker County and claims not exceeding \$15,000.00.

After you file your claim it will be given to the Walker County Sheriff's department for service. When the defendant is served they will make a return of the service to the court and you will be mailed a copy. The defendant has a total of 45 days in which to file an answer. If an answer is filed we will mail you a copy and a date for trial. **You should bring any evidence and witnesses with you to the trial. If you need witnesses subpoenaed let the court know in plenty of time to serve them prior to trial.** At trial, the burden is on you to prove your case. You may come with or without an attorney.

If the defendant does not file an answer within 45 days you are entitled to a judgment by default and you are required to file a written motion with the court requesting this to be done. **(The attached form may be used for that purpose).**

If your claim is for an unliquidated amount, such as a claim for damages, you will be required to prove the amounts of your claim even though the defendants default.

Should the claim be settled before judgment you should request in writing that the case be dismissed. If the claim is settled after judgment you should notify the court in writing that the case has been settled so we can record this in the court docket.

Now available

“I Present My case” and “Bringing your case to Magistrate Court” videos. (These videos contain hints on How to Prepare and Present your Case)

If you are representing yourself we recommend that you view the video. Consult the clerks for more information.

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