Nebraska State Court Form
REQUIRED
Ch. 6, Art. 14, App.1
Eff. 07/2025 CC 4:1
Neb. Rev. Stat. § 25-2804(3)

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

_____ Case No. _____
Plaintiff

_____
Street Address/P.O. Box Number

_____
City/State/ZIP Code

_____ _____
Telephone E-mail Address

PLAINTIFF'S CLAIM AND NOTICE TO DEFENDANT (Small Claims Court)

VS.

_____
Defendant

_____
Street Address/P.O. Box Number

_____
City/State/ZIP Code

_____ _____
Telephone E-mail Address

Plaintiff states that defendant(s) owe(s) and should be ordered to pay to me the sum of $ _____ and costs of this action, or return the property valued at $ _____ and costs of this action because on _____ at _____

Plaintiff declares that the defendant(s) is (are) not a "person in the military service of the United States" as defined in Sec. 101 of the Soldiers Relief Act, 1940.

I have filed _____ small claims this week, and _____ within the current calendar year.

I elect to have the notice served upon the defendant(s) by: ☐ sheriff ☐ constable ☐ process server ☐ certified mail restricted delivery

DATE: _____

PLAINTIFF'S SIGNATURE: _____

Case No. _____

NOTICE TO DEFENDANT

This claim has been filed against you.

You must appear before the _____ County Court located at:

_____

on _____ at _____ .m. If you do not appear, a judgment will be entered against you, together with costs of this action. You should read the information on the back of this claim notice. If you have any questions about the procedure, you may contact the clerk of the court in person or by calling: _____ .

(phone number)

DATE: _____

BY THE COURT:

_____

Clerk

(Seal)

Appendix 1 (Neb. Ct. R. – Chapter 6, Article 14)

SMALL CLAIMS COURT

Additional forms for Small Claims Court are available online at http://supremecourt.ne.gov and additional information about Small Claims Court is available at https://supremecourt.nebraska.gov/self-help/small-claims or from the county court.

The Small Claims Court provides a method of settling legal disputes involving claims for $7,500 or less. Court procedure is informal and without a jury. You cannot be represented by an attorney in Small Claims Court; however, you are allowed to seek an attorney's advice about your case.

For assistance in resolving the dispute out of court, Nebraska has six court-approved mediation centers across the state to assist individuals with settling disputes outside of the court system. Contact information for Nebraska Office of Dispute Resolution approved mediation centers can be found at https://supremecourt.nebraska.gov/programs- services/mediation/odr-approved-mediation-centers In some cases, mediation is offered before the case is heard by a judge. Court staff will inform you if this option is available in your county.

The person making the claim is known as the plaintiff. The other party is the defendant. Small Claims cases can be filed in the county where the defendant lives or does business or in the county where the legal dispute occurred. No one may file more than two complaints in a calendar week or more than ten complaints in a calendar year. The plaintiff fills out the claim form and files it with the court clerk. The clerk sets a date for trial. The plaintiff decides how the notice will be served and is responsible for service. The filing fee and service fees are paid in advance by the plaintiff. If the plaintiff wins, these costs are added to the judgment which the defendant must pay.

The plaintiff and defendant must appear in the court at the time shown on the notice. If the defendant does not appear, a judgment will be entered against him or her. If the parties are not able to appear at the time set for trial, he or she should notify the court clerk in writing as soon as possible and explain why. The court may continue the trial to a later date if there is a good reason. Mere inconvenience is never considered sufficient. The defendant has the right to file a counterclaim or setoff. Both filing and service upon the plaintiff must be completed at least two days prior to the time of trial. In a counterclaim, the defendant says that the plaintiff is at fault rather than the defendant. In a setoff, the defendant says he or she may owe something, but that the plaintiff also owes something. If the amount of the counterclaim or setoff exceeds $7,500, the case will be transferred to regular civil docket and handled with a regular civil lawsuit. The defendant may request that the case be transferred out of the Small Claims Court to the regular civil docket by filing and serving a notice of transfer at least two days prior to the time of trial. A transfer fee must be paid upon filing either the transfer to the regular docket or a counterclaim in excess of $7,500. Forms for the transfer or counterclaim or setoff are available online or at the county court.

If the claim/case is settled or paid prior to the trial, the court must be notified in writing so the trial can be canceled. This is usually done by the plaintiff.

At the trial, both the plaintiff and the defendant may have witnesses to support their positions. If a witness is unwilling to appear voluntarily, or to provide evidence, the parties may request a subpoena (order to appear) or subpoena duces tecum (order to produce documents). The subpoena must be requested, paid for, issued, and served before the court date. Parties may also present other evidence, for example, contracts or canceled checks. It is the responsibility of the person filing the case to prove the case and the amount due.

If either party is not satisfied with the judge's decision, the party may, within 30 days of the judgment, appeal to the district court. When filing an appeal, the fees include a district court filing fee, an appeal bond, and costs for the copying of the file (transcript of pleadings) and the typed record of the court proceedings (bill of exceptions). If you wish to stop collection of the judgment during the appeal process, a supersedeas bond should be filed with the court in the amount of the judgment and costs. Once the case is appealed and in the district court, the record of the small claims court will be reviewed for error. Additional information for this process is also found on the Supreme Court Web site.

If a party did not appear at the trial, a default judgment will be entered by the judge. A party may appeal such default judgment to the district court as noted in the paragraph above. If a party wishes to contest a default judgment with a motion for new trial, the motion can be filed within 10 days or less of the default judgment. If more than 10 days have passed since the entry of the default judgment, the court may set aside, vacate, or modify the default judgment as provided in § 25-2720.01.

It is the duty of the party who wins the case to collect the judgment--the property or money which the judge has granted to him or her. If the losing party does not voluntarily pay or agree to pay the judgment awarded, the party winning the lawsuit will have to start collection procedures.

An attorney can help you with postjudgment processes, including appeals, motions for new trial, or to set aside, vacate, or modify a default judgment and collection of the judgment.

Appendix 1 (Neb. Ct. R. – Chapter 6, Article 14)

Appendix 4 amended April 24, 2013; amended January 22, 2015; amended June 24, 2015, effective July 1, 2015; amended August 23, 2018; amended June 12, 2019, effective August 31, 2019; amended June 24, 2020, effective July 1,2020; amended October 28, 2020, effective November 14, 2020; amended and renumbered to Appendix 1 October 27, 2021, effective January 1, 2022; amended January 12, 2022; revised effective July 1, 2024; revised effective July 1, 2025.