

STATE OF WISCONSIN CIRCUIT COURT BUFFALO COUNTY

In re the Matter Of:

LOCAL RULES GOVERNING SMALL CLAIMS PROCEDURE

Local Court Rule 2014-01

WHEREAS, §§799.12(3) and 799.22(4) permit a court to adopt local rules of procedure for small claims actions under Ch 799;

NOW THEREFORE IT IS ORDERED:

1. Service by Mail. Service of summons by ordinary mail through the office of the Clerk of Court is hereby authorized in all small claims court actions in Buffalo County pursuant to §799.12(3), except as provided herein or as otherwise prohibited by law.

a. Eviction Actions Service by certified mail, return receipt requested, is required in all evictions actions.

b. Personal Judgment Service by mail to obtain personal judgment shall be limited to Buffalo County.

c. Service by mail may not be made to a post office box unless the Plaintiff also provides the recipient's physical address sufficient to identify whether the location is in Buffalo County.

2. Pleading in Lieu of Appearance

a. Both the plaintiff and defendant must appear in person or by an attorney on the return date of the summons unless a written or telephone appearance is authorized under this rule.

BUFFALO COUNTY, WI
CIRCUIT COURT
FILED

JAN 23 2014
ROSELLE M. SCHLOSSER
CLERK OF COURT

b. A defendant may join issue by written answer without appearing on the return date only by complying with all of the following:

(1) The defendant must provide an exact copy of the written answer to the Plaintiff. If the copy is delivered to the Plaintiff personally or by fax, such delivery to the Plaintiff must occur at least 24 hours before the return date and time. If such delivery to the plaintiff is by mail, such mailing to the Plaintiff must occur at least 3 business days before the return date and time.

(2) By the return date the defendant must file with the Court proof of timely service of the written answer on the Plaintiff.

(3) If the defendant does not provide timely service of the written answer on the Plaintiff, or fails to timely file proof of such delivery with the Court, and if the Defendant fails to appear at the return date and time, any written answer may be struck and Judgment may be entered against the Defendant.

c. Written answers and proof of service may be filed by fax if they otherwise comply with the fax filing policy.

3. Telephone Appearances Telephone appearances may be granted for out-of-state parties, for attorneys representing a party, or for other parties in extenuating circumstances at the discretion of the court if requested in writing before the date of the initial appearance. Parties and attorneys permitted to appear by phone shall call to the Court at the return date and time. If an attorney or a party fails to call into the court by telephone on the return date and time, it will be considered a nonappearance and may result in dismissal or a judgment.

4. Itemization of Claim A Plaintiff must provide all figures necessary for computation of the amount due unless such itemization would violate state or federal law. In an

action to collect a debt for goods provided or services rendered, the Plaintiff shall at a minimum attach the most recent account statement showing the account number, an account balance verifying the amount claimed in the complaint, and, if the Plaintiff is not the original creditor, a copy of all assignments.

5. Taxation of Statutory Attorney fees No attorneys fees may be taxed on behalf of any party as a cost under §814.04 unless the attorney or a member of the attorney's staff actually appeared at a hearing in person or by telephone.

6. This rule amends and replaces Local Court Rule 2009-01, effective March 1, 2014.

IT IS FURTHER ORDERED that a copy of this rule shall be sent to the Secretary of the Tri-County Bar Association, the Court Administrator for the Seventh Judicial Administrative District, the State Bar of Wisconsin, the State Law Library, and the Office of the Director of the State Courts. Any person may submit to the Court written comments on this rule for the Court's consideration and determining whether revision of the rule is needed. The Clerk of Court shall make available to the public a copy of this rule at cost.

BY THE COURT

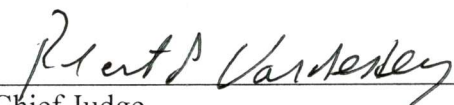
Dated: 1-17-14



James Duvall
Circuit Court Judge

Pursuant to §753.35(1), Wis. Stats., the above Buffalo County Local Court Rule is approved.

Dated: 1/22/2014


Deputy Chief Judge
Seventh Judicial Administrative District