

Instructions for Denial/Counterclaim (Small Claims Court)

A Denial is a written response to the Plaintiff's Statement of Small Claims. If the Defendant chooses to file a Denial, they must file it with the Clerk of Court who will send a copy to the Plaintiff. If a Denial is not filed, the court may grant the Plaintiff everything requested in the Plaintiff's Statement of Small Claims and enter a Default Judgment against the Defendant.

1. Complete the top portion of the Answer (the "caption").
2. Answer or complete paragraphs 1-4: You must respond to each allegation in the Plaintiff's Statement of Small Claims. (You can Admit, Deny, Partially Admit or Deny, or State "I do not have enough information to respond to the allegation.
3. You must date and sign the Denial/Counterclaim and provide your address and telephone number.
4. Make a photocopy of the Denial/Counterclaim; one for your file and another to be served on the Plaintiff. The original must be filed with the Clerk of Court. Please note a filing fee will be assessed by the Clerk of Court office for the service of the Counterclaim. Complete a Case Filing Statement and file it along with the Denial/Counterclaim at the Clerk of Court office. The Case Filing Statement can be found on the [South Dakota Unified Judicial System website](#).

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court can find you in contempt or you can be prosecuted for not telling the truth.

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>FILE NO.: _____</p> <p style="text-align: center;">DENIAL/COUNTERCLAIM</p>
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Defendant has received Plaintiff's Statement of Small Claims and provides the following response (use additional sheet of paper if necessary):

1. I AGREE with the following statements in the Plaintiff's Statement of Small Claims:

2. I DISAGREE with the following statements in the Plaintiff's Statement of Small Claims:

3. I either PARTIALLY AGREE or DISAGREE (check one) with the following statements in the Plaintiff's Statement of Small Claims:

4. I DO NOT HAVE ENOUGH INFORMATION to either agree or disagree with the following statements in the Plaintiff's Statement of Small Claims:

You must explain your answers to the previous statements using the space below or an additional sheet of paper, if necessary. If you do not wish to explain your answers further, leave these spaces blank and proceed to the Counterclaim section:

DEFENDANT'S COUNTERCLAIM

If you wish to sue the Plaintiff for something related to the original Small Claims filed herein, describe the basis for your claim in the following space (use additional sheet of paper if necessary). Please note you will be responsible for paying a postage fee to the Clerk of Court office for the service of the counterclaim via certified mail. If you do not wish to file a Counterclaim, please leave this section blank and sign the document blank and sign the document.

The amount of my Counterclaim against the Plaintiff is calculated as follows. Please note, it may be less than \$12,000 to be in small claims court pursuant to SDCL 16-12C-13.

Principal: \$ _____

Interest: \$ _____

Fees: \$ _____

Defendant's Total: \$ _____

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Signed on the _____ day of _____, _____ at _____.

(Date) (Month) (Year) (City or other location, and State)

Defendant Signature

Printed Name

Street Address

Phone Number

Email Address