

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, he/she must file the Denial with the Clerk of Courts and the Clerk of Courts 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 the judge may enter a Default Judgment against the Defendant.**

- Complete the top portion of the Answer (the "caption").
- Answer or complete paragraphs 1-4. **You must respond to each and every 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 of _____.")**
- You must date and sign the Denial / Counterclaim and provide your address and telephone number.
- If you are filing a Counterclaim, please complete the **Verification** portion. You do **not** need to do this if you are just filing a denial. **Do not fill out the verification until you are in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse. The Clerk can also complete this section. The Clerk will not reject this form if you did not include a Counterclaim and did not complete the verification.**
- 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 Courts office for the service of the Counterclaim.

Complete a Case Filing Statement and file that along with the Denial / Counterclaim at the Clerk of Courts office. The Case Filing Statement can be found at https://ujcs.sd.gov/Small_Claims/Default.aspx

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 could find you in contempt or you could be prosecuted for not telling the truth.

STATE OF SOUTH DAKOTA)
)
:SS
COUNTY OF _____)

IN CIRCUIT COURT

JUDICIAL CIRCUIT

<p>_____, Plaintiff,</p> <p>vs.</p> <p>_____, Defendant</p>	<p>SMC _____</p> <p>DENIAL / COUNTERCLAIM</p>
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Defendant has received Plaintiff's Statement of Small Claims and provides the following response (*use additional sheet 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** 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:

If you wish to explain your answers to the previous statements please use the space below or attach an additional sheet. 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 Statement of Small Claims filed herein, please describe the basis for your claim in the following space (use additional sheet if necessary). **Please note, you will be responsible for paying a postage fee to the Clerk of Courts 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 this document in front of a notary or Clerk of Courts.*

