

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

HOW DO I FILE AN AMENDED COMPLAINT?

What is an Amended Complaint?

A party may file an amended complaint (or counterclaim or cross-claim) to make changes from the original complaint. The Court will replace the original complaint with the amended complaint. Once the amended complaint is filed, the original complaint is no longer valid.

Some reasons for a party to file an amended complaint include:

- Add a **new party**; **change an incorrect party** to a correct party; or **correct a spelling error** in an individual or business name.
- Add **new facts**;
- **Change wording** to better explain the claim;
- **Change the dollar amount of the claim**, especially if the amount increases. Or
- **Include exhibits**.

What do I need to do to file an Amended Complaint?

Get an Amended Complaint form from the Small Claims Division or download from the Small Claims web page.

Enter the names and addresses of all parties at the top in the same manner you did when you first filed. If you are making changes, enter all of the names, including the new names, or any other changes, as if you were writing out your first complaint. Include the case number.

Explain the nature of your claim; you should explain everything as if you were starting over again and without reference to the original complaint. Enter the amount of your claim in the blank in the last line just as you did in the original complaint.

You must sign the amended complaint.

If you are filing less than one week before your court date, you must get permission from the magistrate assigned to your case.

What is the cost to file an amended complaint?

The fee to file an amended complaint is \$20.00. The Clerk of Court accepts cash, checks, money orders, or credit cards (VISA or MasterCard.) Fees are payable to "Clerk of the Franklin County Municipal Court".

How are the parties notified of the amended complaint?

When you file an amended complaint, each party has to be served with the summons and the new complaint. Usually service is by certified mail, but you may use one of the other methods of service listed below. In some cases, the trial may be postponed to ensure that the new party has a fair amount of time to receive the summons and to prepare for trial.

The cost for service of process are:

- Certified mail to each defendant, \$6.00 for each defendant;
- residence service (hand delivery by a court bailiff to anyone age 16 or older at the defendant's place of residence within Franklin County or the City of Columbus, \$25.00 for each defendant;
- Personal service to a defendant at a place of your designation within Franklin County or within the City of Columbus, \$25.00 for each defendant.