

# Handling Small Claims for Clerks of Superior Court

You have been provided with an excerpt from the North Carolina Clerk of Courts Manual as a handout for this class. This handout does not contain the complete chapter, which is available to you online. If you make use of this handout as a reference in the future, you should be aware of the following modifications due to changes in the law since this chapter was published:

Beginning on p. 42.1 and continuing throughout the handout, references to the \$5,000 amount in controversy requirement applicable to small claims court should be modified to reflect the amount applicable in your particular county. In 2012, the General Assembly authorized—but did not require-- Chief District Court Judges to increase the jurisdictional limit for small claims court to \$10,000. Most counties have raised the limit to \$10,000, but some have not. As a result, “the jurisdictional limit that applies in your county” should be substituted for “\$5000” whenever the latter appears in the handout. The same change applies to small claims counterclaims, which are discussed on page 42.7.

On p. 42.8, Sec. III A.2. states that a magistrate may reserve judgment for up to 10 days. This provision was recently amended to restrict a magistrate’s authority to reserve judgment in cases involving summary ejection.

On page 42.11, Sec.4(a) states that a party wishing to appeal from a small claims judgment has 20 days to pay the costs of appeal. This rule was recently amended to reduce the time allowed for paying costs of appeal in summary ejection cases only from 20 days to 10 days. That same change should be noted on page 42.14, 3(a).