
REFERRAL NUMBERS



Union County Magistrate Court
864-429-1648

Union County Clerk of Court
864-429-1630

Union County Sheriff's Office
864-429-1612

Union County Magistrates Office
210 W. Main St.
Union, S.C. 29379

SUMMONS & COMPLAINT



Honorable Jimmy D. Crocker
Chief Magistrate

Honorable D. Kevin Morrow
Associate Chief Magistrate

WHAT IS IT:

A Summons and Complaint is a legal action to obtain a judgement for a debt. The party who begins the action is the Plaintiff and the party who is being sued is the Defendant.

HOW TO OBTAIN A SUMMONS & COMPLAINT:

Upon the affidavit by the Plaintiff (or his agent), any Magistrate in the county in which the Defendant resides (or is conducting business) can issue the Summons and Complaint.

*****Make sure that the Defendant resides in Union County before filing a Summons and Complaint because the Defendant can only be sued in the county that he resides in. For example, if the Defendant lives in Spartanburg County, the Summons and Complaint must be filed in the Spartanburg County Magistrate Court not the Union County Magistrate Court. *****

The jurisdictional limit of the court is \$7,500.00. If the Defendant is indebted for more than \$7,500.00, the Plaintiff must file the action in the Circuit Court.

HOW MUCH DOES THE ACTION COST:

State Law provides that at the time the Summons and Complaint is issued, the Magistrate will collect \$80.00 for issuing and for attempting to serve the Defendant at his residence.

THE PROCESS:

Once the Summons and Complaint has been issued from the Magistrates Court it will be taken to the Sheriff's Office and a Deputy will attempt to serve the Defendant. When the Defendant is served with the Summons and Complaint he will have 30 days from the date of service to answer the complaint. The Answer is a paper filed with the Court answering the Complaint. The Answer form has three basic choices:

- I deny I am responsible at all
- I am responsible, but not for the whole amount
- I deny that I am responsible at all

If the Defendant does not contest the Plaintiff's complaint a judgement will be issued by the court. If the Defendant contests the complaint you will receive a copy of the Answer and then the Court may schedule a hearing.



THE TRIAL:

The court will notify each party of the trial date and time. At the trial, the Plaintiff has the burden of proof by the greater weight of the evidence to prove that the Defendant has damaged or owes the Plaintiff money and how much that the Defendant should pay.

IS A LAWYER NECESSARY:

Neither the Plaintiff nor the Defendant must have a Lawyer, but they can hire one. The Magistrate cannot appoint a Lawyer for either the Plaintiff or the Defendant.

WHAT HAPPENS AFTER THE TRIAL:

If the judgement is for the Plaintiff, the court will order a transcript (judgement) against the Defendant. The court will send the transcript to both parties. The Magistrate has no power to force the Defendant to pay the judgement. If the Defendant will not pay the judgement, the Plaintiff can file the transcript of judgement from the Magistrate Court with the Clerk of Courts Office. When the transcript of judgment is filed, the judgement begins drawing interest and becomes a lien against any land which the Defendant owns or comes to own in the county. The recorded judgement in Circuit Court is good for 10 years. The Magistrate Court judgement not recorded in Circuit Court is only good for 3 years. After filing the transcript in the Circuit Court, you may wish to proceed with an execution through the Sheriff's Office.

OTHER COSTS:

The Clerk of the Circuit Court collects \$10 for the filing of the transcript of judgement. If the execution is filed with the Sheriff's Office the filing fee is \$25 which is to be paid to their office. If the Magistrate finds for the Plaintiff, all court costs can be assessed against the Defendant and are recoverable as part of the judgement.

