



IBERIA PARISH CLERK OF COURT

David Ditch - Clerk of Court

16TH JUDICIAL DISTRICT COURT – PARISH OF IBERIA

INFORMATION REGARDING FILING A SMALL CLAIMS SUIT

Small claims courts are courts where you sue to solve minor civil law problems or to collect smaller amounts of money. Using them is one of your rights as a citizen. You can file suit without having to hire an attorney.

1. A plaintiff may file a Small Claims Suit as long as the amount in dispute does not exceed \$5,000. For any dispute over \$5,000.00, you must contact an attorney.
2. A \$350.00 Advanced Deposit (for one defendant) is required for filing a clerk's docket suit. There is a \$100.00 for each additional defendant in the same suit. Checks are to be made payable to the Iberia Parish Clerk of Court. Please know that the \$350.00 advanced deposit typically covers court costs through the judgment, however, if service is attempted more than once or if the suit is brought to court, additional advanced deposits will be required.
3. You must provide and have the correct physical address of the named defendant. Post Office Boxes are not acceptable. The defendant must reside within the Parish of Iberia, but outside the city limits of New Iberia or Jeanerette. Anything within the city limits of either city should be filed in the City Court of either city.
4. The defendant is served through the Iberia Parish Sheriff's Office.
5. The defendant has ten (10) days after he / she is served the citation to either pay the amount owed or file a general denial with the Iberia Parish Clerk of Court. If a general denial is filed, the plaintiff will be mailed a copy and then must come in and file a motion and order requesting a court date. At that time, an additional advanced deposit will be required.
6. If the defendant does not respond within ten (10) days, the plaintiff may take a judgment against the defendant. The judgment is recorded in the parish mortgage records and copies are sent to both the plaintiff and defendant. Any steps taken beyond judgment (garnishment, etc) must be handled through an attorney. **It is the plaintiff's responsibility to contact the Iberia Parish Clerk of Court office to request that a judgment be taken.**
7. As Per ACT 173 of the 2017 Regular Legislative Sessions, recording fees for Mortgage and/or Conveyance Records where the above referenced judgments are rendered in Civil and Probate matters (including up to 10 names:
 - a. 1 – 5 Pages, \$116.00
 - b. 6 – 25 Pages, \$210.00
 - c. 26 – 50 Pages, \$310.00
8. If the defendant contacts the plaintiff within the ten (10) day period to pay the amount owe, the plaintiff should contact the Iberia Parish Clerk of Court office (337-365-7282) to find out how much of the advanced deposit has been used so that they can collect the remaining balance, as well as the original amount owed. Upon complete payment, the plaintiff should notify the Iberia Parish Clerk of Court office and request that the suit be dismissed.
9. It is the plaintiff's responsibility to contact the Iberia Parish Clerk of Court office three (3) weeks after their filing a small claim suit to find out the status and be informed as to what is the next steps to be taken, if any. The Clerk's office will provide notice to the plaintiff indicating that the case has been filed and the docket number assigned to the case. You should always reference the docket number when calling to inquire about the case.

Please contact our offices at 337-365-7282 for additional questions.