

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

**HOW TO FILE A THIRD-PARTY COMPLAINT**

**What is a third-party complaint?**

A third-party complaint is a claim filed by a defendant against a new party that was not originally named in the plaintiff's. If you have been sued and believe someone else is responsible then a third-party complaint may be an option to that party into the lawsuit.

**What is the jurisdictional limit for a third-party complaint in the Small Claims Division?**

A third-party complaint in the Small Claims Division cannot exceed \$6,000, not including court costs and interest. You cannot ask for anything other than money in a small claims case. Also, you cannot file for libel, slander, abuse of (legal) process, malicious prosecution, or to recover "punitive damages."

**How do I complete the third-party complaint form?**

Enter the names of the parties and the case number at the top of the form on the lines provided. The identities of the parties remain the same: the plaintiff in the complaint is still the plaintiff in the third-party complaint. You are still the defendant. Under the title of "Third-party complaint," explain the facts that support why the third-party defendant is responsible and should be brought into the case. If more space is needed, you may add an additional page. You must include the amount of money you are requesting and you must sign and date your third-party complaint form.

You must attach a copy of the original complaint filed in the case. Mark the complaint as "Exhibit A."

**How do I file my third-party complaint?**

You may mail or hand-deliver your third-party complaint and court cost. The cost of filing a third-party complaint is \$20.00 plus the cost of serving the plaintiff. The service cost is \$6.00 for certified mail or \$25.00 for personal (or residence) service by a court bailiff. The Instructions for Service of Summons form must be completed.

Service must be completed before the third-party can be brought into the case.

**How do I notify the other parties in the case that I am filing a third-party complaint?**

You must mail a copy of the Third-Party Complaint to each of the parties already in the case. Complete the Certificate of Service at the bottom of the form to verify that you have mailed a copy to each party by ordinary mail.

FRANKLIN COUNTY MUNICIPAL COURT  
SMALL CLAIMS DIVISION

\_\_\_\_\_  
Plaintiff,  
v.

Case No. \_\_\_\_\_ CVI \_\_\_\_\_

\_\_\_\_\_  
Defendant and Third-Party Plaintiff,  
v.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

Third-Party Defendant.

**THIRD-PARTY COMPLAINT**

1. Defendant/Third Party Plaintiff states that Plaintiff filed a Small Claims Complaint in this Court (a copy is attached as Exhibit "A").
2. Defendant/Third Party Plaintiff states that Third-Party Defendant \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please use an additional page if necessary.*

Defendant/Third Party Plaintiff demands that Plaintiff's complaint be dismissed, or that judgment be entered in Third-Party Plaintiff's favor and against Third-Party Defendant for \$\_\_\_\_\_, plus court costs, and interest.

\_\_\_\_\_  
Defendant and Third-Party Plaintiff

**CERTIFICATE OF SERVICE**

Defendant/Third Party Plaintiff served a copy of the foregoing third-party complaint upon Plaintiff at his last known address by ordinary United States mail on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant and Third-Party Plaintiff

**FRANKLIN COUNTY MUNICIPAL COURT**      **CASE NO:** \_\_\_\_\_

---

**INSTRUCTIONS FOR SERVICE OF SUMMONS**

---

To: Clerk, Franklin County Municipal Court, please issue summons for:

Personal Service ☐      Residence Service ☐      Certified Mail ☐      Ordinary Mail ☐

Other: \_\_\_\_\_

On the defendant(s) as listed below, in the instructions to server.

DATE: \_\_\_\_\_ (Signed) \_\_\_\_\_  
Signature of Requesting Party

To: \_\_\_\_\_ (Server)

You are instructed to make:

Personal Service ☐      Residence Service ☐      Certified Mail ☐      Ordinary Mail ☐

Upon the following defendant(s) and at the address(s) listed below:

---

---

---

---

Special instructions for server:

---

---

---

_____	<b>Plaintiff</b>	<b>Case No.</b> _____	<b>CV</b> _____
<b>VS.</b>		<b>Signature</b> _____	
_____	<b>Defendant</b>	<b>Attorney Code</b> _____	
_____		<b>Attorney for</b> _____	
_____	<b>Date</b>		

_____ <b>Writ of Restitution - \$35.00</b> (Includes Service) (Red Tag)	_____ <b>DOCKET TRANSCRIPT - \$20.00</b>
_____ <b>Set Out - \$45.00</b> (Includes Service)	_____ <b>Out of County Sheriff - \$41.00</b> County Name _____
_____ <b>Replevin - \$35.00</b> (Includes Service) (You must complete bailiff instructions)	_____ <b>Post Judgment Motion - \$20.00</b>
_____ <b>Execution - \$35.00</b> (Includes Service) (You must complete bailiff instructions)	_____ <b>Objection to Magistrates Report - \$20.00</b>
_____ <b>Execution/Vehicle - \$835.00</b> (Includes Service) (You must complete bailiff instructions)	_____ <b>Amended Complaint - \$20.00</b> (plus service fees)
_____ <b>Exemplified Copy/Certificate of Copy - \$20.00</b>	_____ <b>Third Party Complaint - \$20.00</b> (plus service fees)
_____ <b>Certificate of Judgment - \$10.00</b>	_____ <b>Counterclaim/Crossclaim - \$20.00</b> (plus service fees)
_____ <b>Revivor - \$20.00</b> (plus service fees)	_____ <b>Order to Show Cause - \$50.00</b>
_____ <b>Certificate of Judgment to BMV - \$10.00</b> Date of Loss _____ Date of Birth _____ Social Security # _____ Driver's License # _____ License Plate # _____	_____ <b>Ordinary Mail Service - \$3.00</b>
	_____ <b>Certified Mail Service - \$10.00</b>
	_____ <b>Bailiff Service - \$25.00</b>
	_____ <b>Personal/Residence Process Server \$25.00</b>
	_____ <b>FedEx - \$15.00</b>
_____ <b>Assignment of Judgment - \$20.00</b>	_____ <b>Jury Demand Fee - \$10.00</b>
_____ <b>Appeal - \$50.00</b>	_____ <b>Jury Demand Deposit - \$500.00</b>
_____ <b>Transfer from Small Claims - \$35.00</b>	_____ <b>New Address</b>
_____ <b>Certified Copies - \$1.00 per copy</b>	
_____ <b>OTHER</b> _____	_____ <b>Street</b>
	_____ <b>City</b>
	_____ <b>State</b>
	_____ <b>Zip code</b>