

Small Claims – Statement of Claim and Notice for Security Deposit Disputes (#2DC05)

**In the Small Claims Division of the
District Court of the Second Circuit
_____ Division
State of Hawai`i**

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you want your landlord to return the security deposit from a residential lease.

When you file this form, you are called the **Plaintiff**. Your landlord will be the **Defendant**.

This form is 3 pages and has 2 parts:

Case number:

Part I: The **Statement of Claim**, including your sworn statement about your situation (called a **Declaration**).

Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.

Part II: A **Notice of Hearing**. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Part I

STATEMENT OF CLAIM

1 Give the Court your contact information and as much of your landlord's contact information as you can.

Your name:

Landlord's name:

Your full address, telephone number, and email:

Landlord's full address, telephone number, and email:

2 Give the Court information about the money that your landlord owes you.

My landlord owes me this much of my deposit:

\$

I moved out on this date:

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

This is why my landlord owes me the money:
(Add another sheet if necessary)

3 Read the information below and then sign the Declaration.

I would like the Court to order my landlord to pay me the amount I listed on the first page.

I would also like the Court to order my landlord to pay me interest, costs, and fees that the Court believes are just and reasonable. I understand that if the Judge finds that my landlord wrongfully and willfully kept all or part of my security deposit, the Judge may order the landlord to pay me three times the security deposit, which is allowed by Hawai'i Revised Statutes § 521-44(h).

PLAINTIFF'S DECLARATION

The information in this claim is true and correct. I understand that I may be prosecuted for perjury if I have stated anything in this form that I know is not true.

Your signature:

Today's date:

Part II

NOTICE OF HEARING

4 Fill in the landlord's name below and then take or mail the form to the Court. Court staff will schedule a hearing and will fill out the rest of Part II.

To:
(Landlord's name)

The Plaintiff has filed this Statement of Claim. A Judge will review evidence and hear arguments from both the Plaintiff and the Defendant at the place and time stated here:

- Place:
- Wailuku Division 2145 Main Street, Courtroom 3D, Third Floor, Wailuku, Hawai'i 96793
 - Lahaina Division 1870 Honoapi'ilani Highway, Lahaina, Hawai'i 96761
 - Hana Division 4974 Uakea Road, Hana, Hawai'i 96713
 - Molokai Division 55 Makaena Place, Kaunakakai, Hawai'i 96748
 - Lana'i Division 312 8th Street, Lana'i City, Hawai'i 96763

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:

2nd Circuit Court
2145 Main Street, Room 106, Wailuku, Hawai'i 96793

Clerk's signature:

Today's date:

Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the landlord and you do not come to the hearing, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

No. An attorney may not represent either party in the Small Claims Division for security deposit cases.

May I bring witnesses and documents to support my case to the hearing?

Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above.

You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form your Landlord.

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Landlord.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public or unless a Judge of this Court, by written order, permits personal delivery during those hours.



Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

- Call (808) 244-2855, FAX (808) 244-2932; or
- Send an e-mail to adarequest@courts.hawaii.gov

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact **PHONE NO.** (808) 244-2706 or **VISIT** the Service Center at 2145 Main Street, Room 141, Wailuku.

SERVICE PROCESS INFORMATION SHEET **(SMALL CLAIMS)**

IT IS THE PLAINTIFF'S RESPONSIBILITY TO EFFECT SERVICE. EACH DEFENDANT MUST BE SERVED SEPARATELY, BY ONE OF THE FOLLOWING METHODS:

1) DISINTERESTED THIRD PARTY

Anyone who is 18 years of age or older and who is ***NOT*** a party to the Claim, may serve your documents. The Disinterested Third Party, or you, will file the Return of Service as soon as the Defendant is served.

2) PROCESS SERVER

Contact the 2nd Circuit Service Center at (808) 244-2706 or 2145 Main Street, Room 141, Wailuku or at the Website at dps.hawaii.gov for a current list of Process Servers, their fees may vary.

Contact a Process Server and make your own arrangements to have your Small Claims or Regular Claims documents served upon the Defendant. The Process Server, or you, will file the Return of Service as proof that the Defendant was served.

3) CERTIFIED MAIL

SMALL CLAIMS Take the certified copy of your Statement of Claim to the Post Office and mail to each Defendant by Certified Mail, Restricted Delivery (addressee only), and Return Receipt Requested (green card).

You can either file the Return Receipt (green card) and the Mail Cost Slip as proof of service or on the day of your court, present the Return Receipt (green card) showing the date of delivery and the signature of the Defendant and the Mail Cost Slip to the Clerk/Judge.

NOTE: If the Defendant is not served prior to the court date, you ***MUST*** still appear to obtain another court date for service upon the Defendant.

4) SERVICE QUESTIONS

Please contact the Self-Help Center located on the 1st floor of the courthouse at 2145 Main Street, Wailuku. Hours of operation are:

Self-Help Center
Hours: Monday and Thursday
10:00 a.m. to 1:00 p.m.