

A SHORT GUIDE TO RECOVERING YOUR SECURITY DEPOSIT IN SMALL CLAIMS COURT

Introduction

The court process can often seem daunting, complicated, overwhelming, or perhaps even more trouble than what it's worth. Thankfully, there is a specialized court called Small Claims Court that is designed specifically to help people navigate through the legal system on their own.

Why Small Claims Court?

Small claims court allows for expedited disposition of relatively simple and straightforward claims **for amounts under \$5000**. Since your security deposit is probably well below this limit, Small Claims Court empowers you to represent yourself when trying to recover your money.

Details and Contents

Under Missouri law, **landlords have thirty (30) days after you move out and return your key to return your security deposit or provide you with an itemized statement explaining why your deposit will not be returned**. So, you'll have to wait at least that long before filing your Petition. However, Missouri law also entitles tenants to recover **two times** their original security deposit from a landlord who wrongfully fails to return the deposit within their allotted time.

This Guide includes a fillable Petition for you to complete and file with the court. It is perfectly fine to complete the form by hand. It also includes a "Sample Petition" with generic information filled into each blank as a guide. This is to show you exactly what to write in each blank. Finally, it includes a list of detailed Instructions to guide you line-by-line through the Petition. Keep in mind this Guide is not comprehensive. There are multiple steps you must take to successfully file your Claim. If you have any questions, you may ask the court clerks. Their job is to help you through this process, however, they cannot provide legal advice. You can also download the complete Small Claims Handbook from www.16thcircuit.org/small-claims.

Costs and Fees

- Filing fee: \$27 + Service Fee
- Service fee*: \$36 per Defendant

* This is the fee charged for a Jackson County Deputy to personally "serve" the Defendant(s). This type of service is highly recommended and is the easiest way to make sure the Defendants learn that they're being sued.

Court Information

If the apartment for which you're trying to recover your security deposit is located in **Kansas City, MO or Grandview**, you'll file your Claim in Western Jackson County.

Jackson County Courthouse
3rd Floor – Civil Records
415 E. 12th Street
Kansas City, MO 64106
(816) 881-1221

If the apartment for which you're trying to recover your security deposit is located in **Blue Springs, Independence, Lee's Summit, or Raytown**, you'll file your Claim in Eastern Jackson County.

Jackson County Courthouse Annex
308 West Kansas Avenue
1st Floor – Civil Records
Independence, MO 64050
(816) 881-4493

Small Claims Court Handbook

You can download a copy of the Jackson County Small Claims Court Handbook at:
<https://www.16thcircuit.org/Data/Sites/1/media/small-claims-booklet-2016.pdf>.

Or you can visit www.16thcircuit.org/small-claims and click on the “Small Claims booklet” link.

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
SMALL CLAIMS COURT AT KANSAS CITY**

)	
)	
Plaintiff,)	Case No.: _____
)	
v.)	Division: _____
)	
)	
)	
Service Address:)	
_____)	
_____)	
_____)	
)	
Defendant.)	

PETITION

For her/his causes of action, Plaintiff _____ (“Mrs. / Ms. / Mr. _____”) states and alleges as follows:

1. _____ is an individual residing in Jackson County, Missouri.
_____ is a former tenant of the premises at _____.
2. Defendant _____ is a(n) individual / registered limited liability company / corporation / partnership / limited liability partnership / limited partnership (**circle one**) in the State of Missouri that maintains his / her / its residence / principal place of business (**circle one**) at _____. Any act of Defendant alleged in this Petition shall be deemed to include the acts of Defendant’s employee’s, agents, or its representatives acting under Defendant’s direction, control, or authority.
3. Defendant may be served with process personally / on its registered agent, _____, (if a defendant is a business)], at _____.
4. Beginning _____, _____ was a tenant at the above-mentioned address, and was current on the \$_____ per month rent.
5. _____ had previously paid \$_____ to Defendant as a security deposit.
6. _____ moved out of the apartment on _____.

7. _____ has requested the return of her/his security deposit from Defendant, both verbally and via written request.
8. Defendant has failed to return the \$_____ security deposit and has not provided a written statement explaining the reason the security deposit has been withheld.
9. Defendant's wrongful withholding of _____'s security deposit is in violation of Missouri Revised Statute §535.300.
10. Missouri Revised Statute §535.300(5) allows a tenant to recover as damages not more than twice the amount of the wrongfully withheld security deposit.

WHEREFORE, _____ requests judgment against Defendant in a sum fair and reasonable in the amount of \$_____, and such other and further relief as the Court may deem just and proper.

Respectfully submitted,

_____, *Pro Se*

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

_____, being first duly sworn, upon her oath, states that she is the above-named
Petitioner; that she has read the above and foregoing Petition; and that the matters and facts set forth
therein are true to the best of her knowledge and belief.

Subscribed and sworn to before me this ____ day of _____, 201__.

Notary Public

My Commission Expires:

~ "Sample Petition - Generic" ~

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
SMALL CLAIMS COURT AT KANSAS CITY**

<u> (Full Name) </u>)	
)	
Plaintiff,)	Case No.: _____
)	
v.)	Division: _____
)	
<u> (Full Name) </u>)	
d/b/a _____)	
Service Address:)	
<u> (Name) </u>)	
<u> (Address) </u>)	
)	
)	
Defendant.)	

PETITION

For her/his causes of action, Plaintiff (Full Name) ("Mrs. / Ms. / Mr. (Last Name) ") states and alleges as follows:

1. 1. (Ms. Your Last Name) is an individual residing in Jackson County, Missouri. (Ms. Your Last Name) is a former tenant of the premises at (Address) .
2. Defendant (Full Name / Business) is a(n) individual / registered limited liability company / corporation / partnership / limited liability partnership / limited partnership (**circle one**) in the State of (State) that maintains his / her / its residence / principal place of business (**circle one**) at (Address) . Any act of Defendant alleged in this Petition shall be deemed to include the acts of Defendant's employee's, agents, or its representatives acting under Defendant's direction, control, or authority.
3. Defendant may be served with process personally / on its registered agent, (Full Name) , (if a defendant is a business), at (Address) .

4. Beginning ____ (date) _____, ____ (Ms. Your Last Name) _____ was a tenant at the above-mentioned address, and was current on the \$ _____ per month rent.
5. ____ (Ms. Your Last Name) ____ had previously paid \$ _____ to Defendant as a security deposit.
6. ____ (Ms. Your Last Name) _____ moved out of the apartment on ____ (date) _____.
7. ____ (Ms. Your Last Name) ____ has requested the return of her/his security deposit from Defendant, both verbally and via written request.
8. Defendant has failed to return the \$ _____ security deposit, and has not provided a written statement explaining the reason the security deposit has been withheld.
9. Defendant's wrongful withholding of ____ (Ms. Your Last Name) ____'s security deposit is in violation of Missouri Revised Statute §535.300.
10. Missouri Revised Statute §535.300(5) allows a tenant to recover as damages not more than twice the amount of the wrongfully withheld security deposit.

WHEREFORE, ____ (Ms. Your Last Name) _____ requests judgment against Defendant in a sum fair and reasonable in the amount of \$ (multiply security deposit by two) _____, and such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Signed Name
(Full Name) _____, *Pro Se*

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

_____, being first duly sworn, upon her oath, states that she is the above-named
Petitioner; that she has read the above and foregoing Petition; and that the matters and facts set forth
therein are true to the best of her knowledge and belief.

Signed Name

(Full Name)

Subscribed and sworn to before me this ____ day of _____, 201__.

Notary Public

My Commission Expires:

Line-by-line Instructions

1. Fill in your full legal name in the space above “Plaintiff”
2. Do not worry about “Case No.” or “Division”
3. Fill in the name of the entity that owns your apartment complex above “Serve Registered Agent”
4. In the first blank under “Petition”, before you get to the numbered lines, fill in your full legal name.
5. In the blank directly after the first, you may circle your preferred title and fill in your last name. You can use this later on so you don’t have to keep writing your full name.

Numbered Lines

1. Line 1
 - a. First blank: Fill in your name
 - b. Second blank: Fill in your name again
 - c. Third blank: Fill in the address of your old apartment. This is the one you’re trying to recover your security deposit from.
 2. Line 2
 - a. First blank: Fill in the Defendant’s name
 - b. Second blank: Fill in the address of the individual or business entity that owns the apartment (not the registered agent)
 3. Line 3
 - a. First blank: Fill in the name of the Defendant’s Registered Agent. If the Defendant is an individual, leave this blank.
 - b. Second blank: Fill in the address of the individual or Registered Agent
 4. Line 4
 - a. First blank: Fill in the date you moved into the apartment
 - b. Second blank: Fill in the address of your old apartment
 - c. Third blank: fill in the amount of your monthly rent
 5. Line 5
 - a. First blank: Fill in your name
 - b. Second blank: Fill in the amount you paid as a security deposit
 6. Line 6
 - a. First blank: Fill in your name
 - b. Second blank: Fill in the date you moved out of your apartment
 7. Line 7
 - a. First blank: Fill in your name
 8. Line 8
 - a. First blank: Fill in the amount you paid as a security deposit
 9. Line 9
 - a. First blank: Fill in your name
 10. Line 10
 - a. Line 10 has no blanks for you to fill
- After “WHEREFORE”

- First blank: Fill in your name.
- Second blank:
 - **MULTIPLY YOUR SECURITY DEPOSIT BY TWO (2)**
 - Fill in that number (this is where you're asking the court to award you double your security deposit. This is the relief you are entitled to by law.
- Under "Respectfully submitted,"
 - First blank: SIGN your name
 - Second blank: WRITE your name legibly
- Instructions for the Notary Block (the last page)
 - First blank: Fill in your name
 - Second blank: SIGN your name
 - Third blank: WRITE your name legibly
- Finally, you'll need to get your Petition notarized. You can do this for free by going to your bank, but there may be an additional cost to have your document notarized at one of these offices. **Be sure to bring a copy of your government-issued photo ID.** It is important you do not sign the form until you are in front of the notary.