

SCLCRLJ 3.
FILING OF CIVIL AND SMALL CLAIMS CASES

(a) General Provision. Any Civil or Small Claim action brought in the Court shall be filed in the division in which the defendant, or, if there be more than one defendant, where one of the defendants resides at the time the complaint is filed or in which the defendant, or, if there be more than one defendant, where one of the defendants may be served with the notice and complaint. If the residence of the defendant is not ascertained by reasonable efforts, the action may be filed in the division in which the defendant's place of actual physical employment is located.

(b) Recovery of Personal Property. Any action for the recovery of possession of personal property shall be filed in the division in which the subject matter of the action or some part thereof is situated.

(c) Actions for a Penalty. An action for a penalty shall be filed in the division where the cause of action, or some part thereof, arose.

(d) Personal Injuries and Property Damage. An action for the recovery of damages for injuries to the person or for injury to personal property may be filed either in the division in which the cause of action arose, or in the division in which the defendant, or, if there be more than one defendant, where some one of the defendants resides at the time the complaint is filed.

(e) Non-Resident Defendants. An action brought against a non-resident of this state may be filed in any division where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(f) Corporate Defendants. For the purposes of this rule, the residence of a corporation defendant shall be deemed to be in any division where the corporation transacts business, or has an office for the transaction of business at the time the cause of action arose, or where any person resides upon whom process may be served upon the corporation.

(g) Impound Hearings. Impound Hearings shall be filed in the division in which the impound of the vehicle

occurred.

(h) Transfer of Non-Jury Civil or Small Claim Cases. If a civil or small claim action is filed in the wrong division, the action shall remain there unless the defendant requests a transfer of the action to the proper division. Upon such demand the court may enter an order transferring the action to the proper division and may award the defendant the reasonable costs associated with the transfer of the action, including a reasonable attorneys fee, to be paid by the plaintiff.

(i) Transfer of Civil Jury Cases. Upon the court's own motion or the motion of any party the Presiding Judge may enter a written order transferring the case to a different division.

(j) The filing of a case in the improper division does not create a jurisdictional defect and does not, of itself, grant or deprive the Court of jurisdiction otherwise conferred by law.

[Effective September 1, 2003]
