

# DEFICIENCY CLAIM

TO DEFENDANT(S):

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

(Name and Last Known Address)

Re: Case No \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_  
(Plaintiff) (Defendant)

I am asking the Court for a **DEFICIENCY JUDGMENT** in the amount of \$\_\_\_\_\_, plus costs and other relief as the Court deems proper.

## FOLLOWING IS AN ITEMIZED BREAKDOWN OF THE DEFICIENCY CLAIM:

Principal Balance: \$ \_\_\_\_\_

Accrued Interest: \$ \_\_\_\_\_

Post Replevin Costs: \$ \_\_\_\_\_

Additional Costs:  
\_\_\_\_\_ \$ \_\_\_\_\_

\$  
SubTotal: \$

(minus) Sale of Security \$ \_\_\_\_\_

**Deficiency Judgment Total: \$ \_\_\_\_\_**

**IF YOU WISH TO DISPUTE THIS MATTER** you must send a written answer addressed to: Dane County Small Claims Court, GR-10 City-County Building, 210 Martin Luther King, Jr. Blvd., Madison, WI 53703, on or before \_\_\_\_\_ at 9:00 a.m. (This date represents a written answer date, NOT AN APPEARANCE DATE.) You must also send a copy of your written answer to me at the address listed below. Upon receipt of the answer, the Court will schedule the matter for a hearing and mail notices to all parties.

**IF YOU DO NOT FILE A WRITTEN ANSWER**, a judgment may be awarded to me for the total amount indicated above.

Signed: (Plaintiff/Attorney)

Dated:

Address :

Phone:

**Plaintiff/Attorney: See next page for mailing/service instructions. Deficiency Judgments cannot exceed \$5,000 or include filing and legal fees that were awarded in the initial replevin judgment.**

## DEFICIENCY CLAIM

To the Plaintiff:

The form "DEFICIENCY CLAIM" is to be used for pursuing a deficiency claim in a Small Claims replevin action. The form must be completed, including the itemized breakdown of the damage expenses.

You will need to contact the Clerk of Court's office to obtain an answer date to write on the form. Once you are given a date, the original form, with the itemized breakdown of damages attached, must be filed with the Court. A copy of the form and the breakdown must also be mailed to each defendant at their last known address.

Dane County Circuit Court Rule 308 now requires that you provide proof of service to the Court. Proof of service may be established by an affidavit of mailing verifying that the document was mailed to the defendant(s) at their last known address and was not returned as undeliverable by the post office to the plaintiff. If the deficiency claim is returned as undeliverable by the post office to the plaintiff, the plaintiff must serve the defendant(s) by personal service, substituted service, or publication and provide proof of service to the Court.

Please direct any questions regarding this procedure to the Dane County Clerk of Court's office at (608) 266-4311.