

Content Outline for Intro/Module 2: Small Claims Procedure, Part 1

Sources of law

GS Ch. 7A, Art. 19 is primary source of procedural rules applicable in small claims court. The NC Rules of Procedure set out in GS 1A-1 apply to all civil actions unless a different rule is specified and so “fill in the blank” for small claims when Art. 19 is silent. In addition, GS Ch. 42 contains some special procedural rules for summary ejectment cases.

Procedural Issues That Might Come Up Before Trial

Do you have authority to hear this kind of case? MR#1 Subject-matter jurisdiction

Is it a small claims case? ☐ Remedy is money, recovery of property, or SE
 ☐ Not available if value exceeds \$10K
 ☐ At least one defendant must reside in county

If a case does not meet the requirements to be assigned to small claims court, a magistrate does not have jurisdiction to rule and any judgment entered will be void.

Do you have authority over this defendant? MR#2 Personal jurisdiction

Has the defendant been served? ☐ Check back of summons for return of service.
 ☐ Usually sheriff, but also by certified mail/UPS, etc
 ☐ No service? Allow π to continue to attempt service unless π wants voluntary dismissal

OR

Has the defendant voluntarily appeared? Usually by showing up, but may also be other action, such as filing answer, counterclaim, or motion for a continuance.

If a defendant has not been served and does not appear, a magistrate does not have authority to enter a judgment against that defendant, and any judgment entered will be void.

Before You Begin Hearing Evidence

Who will present the case for π and Δ ? MR#3 Only party or att’y unless exception applies.

General rule: Unless parties choose to represent themselves, they must be represented by an attorney. Individuals who are not attorneys are engaging in the unauthorized practice of law when they attempt to represent a party in court.

Exception #1: An LLC, corporation, or limited partnership may appear in small claims court, and on appeal to district court, through an agent (quite often, an employee with personal knowledge of the matters alleged in the complaint).

Exception #2: In an action for SE or related money damages, an agent with personal knowledge of the matters alleged in the complaint may sign the complaint and appear in court on behalf of an owner of rental property.

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division - Small Claims

_____ County

Plaintiff(s)

MAGISTRATE SUMMONS☐ **ALIAS AND PLURIES SUMMONS (ASSESS FEE)****VERSUS**

G.S. 1A-1, Rule 4; 7A-217, -232

Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

TO

Name And Address Of Defendant 1

TO

Name And Address Of Defendant 2

Telephone No. Of Defendant 1

Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial

Time Of Trial

☐ AM ☐ PM

Location Of Court

Name And Address Of Plaintiff Or Plaintiff's Attorney

Date Issued

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

(Over)

		RETURN OF SERVICE			
I certify that this summons and a copy of the complaint were received and served as follows:					
DEFENDANT 1					
Date Served		Time Served ☐ AM ☐ PM		Name Of Defendant	
☐ By delivering to the defendant named above a copy of the summons and complaint. ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below. ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.					
Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)					
☐ Other manner of service (specify)					
☐ Defendant WAS NOT served for the following reason:					
DEFENDANT 2					
Date Served		Time Served ☐ AM ☐ PM		Name Of Defendant	
☐ By delivering to the defendant named above a copy of the summons and complaint. ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below. ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.					
Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)					
☐ Other manner of service (specify)					
☐ Defendant WAS NOT served for the following reason:					
FOR USE IN SUMMARY EJECTMENT CASES ONLY:		☐ Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:			
		Date Served		Name(s) Of The Defendant(s) Served By Posting	
		Address Of Premises Where Posted			
Service Fee \$				Signature Of Deputy Sheriff Making Return	
Date Received				Name Of Deputy Sheriff Making Return (type or print)	
Date Of Return				County Of Sheriff	
AOC-CVM-100, Side Two, Rev. 3/19 © 2019 Administrative Office of the Courts					

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County

Telephone No.

VERSUS

Name And Address Of Defendant 1 ☐ Individual ☐ Corporation

County

Telephone No.

Name And Address Of Defendant 2 ☐ Individual ☐ Corporation

County

Telephone No.

Name And Address Of Plaintiff's Attorney

1. The defendant is a resident of the county named above.
2. The defendant owes me the amount listed for the following reason:

Principal Amount Owed \$

Interest Owed (if any) \$

Total Amount Owed \$

(check one below)

- | | | |
|---|--|---------------|
| ☐ On An Account (attach a copy of the account) | Date From Which Interest Due | Interest Rate |
| ☐ For Goods Sold And Delivered Between | Beginning Date
Ending Date | Interest Rate |
| ☐ For Money Lent | Date From Which Interest Due | Interest Rate |
| ☐ On a Promissory Note (attach copy) | Date Of Note
Date From Which Interest Due | Interest Rate |
| ☐ For a Worthless Check (attach a copy of the check) | | |
| ☐ For conversion (describe property) | | |

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
10. **The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.**

File No.	STATE OF NORTH CAROLINA				In The General Court Of Justice District Court Division - Small Claims	
	County					
1. The defendant is a resident of the county named above.						
2. The defendant entered into possession of premises described below as a lessee of plaintiff.						
Description Of Premises (include location and address)						
☐ Conventional ☐ Public Housing ☐ Section 8						
Rate Of Rent (Tenant's Share)		per	Date Rent Due	Date Lease Ended	Type Of Lease	
\$					☐ Oral ☐ Written	
3. ☐ The defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the 10-day grace period before filing the complaint.						
☐ The lease period ended on the above date and the defendant is holding over after the end of the lease period.						
☐ The defendant breached the condition of the lease described below for which re-entry is specified.						
☐ Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.						
Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)						
4. The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession.						
5. The defendant owes the plaintiff the following:						
Description Of Any Property Damage						
Amount Of Damage (if known)		Amount Of Rent Past Due		Total Amount Due		
\$		\$		\$		
6. I demand to be put in possession of the premises and to recover the total amount listed above and daily rental until entry of judgment plus interest and reimbursement for court costs.						
Date		Name Of Plaintiff/Attorney/Agent (type or print)		Signature Of Plaintiff/Attorney/Agent		
CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF						
I certify that I am an agent of the plaintiff and have actual knowledge of the facts alleged in this Complaint.						
Date		Name Of Agent (type or print)		Signature Of Agent		
(Over)						
AOC-CVM-201, Rev. 8/17						
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INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

**THE CLERK OR MAGISTRATE CANNOT ADVISE YOU ABOUT YOUR CASE OR ASSIST YOU IN COMPLETING THIS FORM.
IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT AN ATTORNEY.**

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs unless further restricted by court order.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. In filling out number 2 of the complaint in subsidized housing (e.g., Section 8, voucher, housing authority), the landlord should include in the "Rate Of Rent" box only that portion of the rent that the tenant pays directly to the landlord.
6. In filling out number 3 in the complaint, if the landlord is seeking to remove the tenant for failure to pay rent when there is no written lease, the first block should be checked. (Defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the ten (10) day grace period before filing the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent when there is a written lease with an automatic forfeiture clause, the third block should be checked. (The defendant breached the condition of the lease described below for which re-entry is specified.) And "failure to pay rent" should be placed in the space for description of the breach. If the landlord is seeking to evict tenant for violating some other condition in the lease, the third block should also be checked. If the landlord is claiming that the term of the lease has ended and the tenant refuses to leave, the second block should be checked. If the landlord is claiming that criminal activity occurred, the fourth block should be checked and the conduct must be described in space provided.
7. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is rendered in favor of the plaintiff, court costs may be charged against the defendant.
8. The PLAINTIFF must appear before the magistrate to prove his/her claim.
9. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
10. Requests for continuances of cases before the magistrate may be granted for good cause shown and for no more than five (5) days per continuance unless the parties agree otherwise.
11. The magistrate will render judgment on the date of hearing unless the parties agree otherwise, or the case is complex as defined in G.S. 7A-222, in which case the decision is required within five (5) days.
12. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within ten (10) days after the judgment is entered. If the appealing party applies to appeal as an indigent, and that request is denied, that party has an additional five (5) days to pay the court costs for the appeal.
13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In the event of an appeal by the tenant to district court, the landlord may file a motion to dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a hearing if the tenant fails to file a response within ten (10) days of receipt of the motion.
14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful possession, the landlord shall release any personal property of the tenant. If, after being placed in lawful possession by execution of a writ, the landlord has offered to release the tenant's property and the tenant fails to retrieve such property during the landlord's regular business hours within seven (7) days after execution of the writ, the landlord may throw away, dispose of, or sell the property in accordance with the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds to the tenant upon request within seven (7) days of the sale. If the total value of the property is less than \$500.00, it is deemed abandoned five (5) days after execution unless the tenant requests, prior to expiration of the five-day period, release of the property to the tenant, in which case the landlord shall release possession of the property to the tenant during regular business hours or at a time agreed upon.
15. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

File No.	STATE OF NORTH CAROLINA		In The General Court Of Justice District Court Division - Small Claims	
	County			
COMPLAINT TO RECOVER POSSESSION OF PERSONAL PROPERTY ☐ PLAINTIFF A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY		WHEN PLAINTIFF IS A SECURED PARTY		The defendant is a resident of the county named above. I have a security interest in the personal property described in the attached security agreement. The total current value of this property is as shown below. The defendant has defaulted in the payment of the debt which the property secures or has otherwise breached the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.
		Description Of Personal Property In Which You Have A Secured Interest (attach copy of security agreement)		
Name And Address Of Plaintiff G.S. 7A-232; 25-9-609		Date		Signature Of Plaintiff Or Attorney
County		Telephone No.		
VERSUS				
Name And Address Of Defendant 1		☐ Individual ☐ Corporation		The defendant is a resident of the county named above. The defendant has in his/her possession the personal property described below which belongs to me. I am entitled to immediate possession of the property, but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and damages in the total amount set out below, plus interest and reimbursement for court costs.
County		Telephone No.		
Name And Address Of Defendant 2		☐ Individual ☐ Corporation		Description Of Personal Property You Own Which Is In Possession Of Defendant \$
County		Telephone No.		
Name And Address Of Plaintiff's Attorney		Date Defendant Wrongfully Took Or Kept Property		Damage Due For Loss Of Use \$
				Physical Damage To Property \$
				Total Amount Of Damages \$
Attorney Bar No.		Date		Signature Of Plaintiff Or Attorney
		Name Of Plaintiff Or Attorney (type or print)		
		Original - File		Copy - Each Defendant (Over)
		Copy - Attorney/Plaintiff		

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

**THE CLERK OR MAGISTRATE CANNOT ADVISE YOU ABOUT YOUR CASE OR ASSIST YOU IN COMPLETING THIS FORM.
IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT AN ATTORNEY.**

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court to recover property worth more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is rendered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is entered. A defendant who appeals also must post a bond to stay execution of the judgment within ten (10) days after the judgment is entered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

Content Outline for Intro/Module 3: Small Claims Procedure, Part 2

Before You Start Trial, cont'd

(If defendant is not present): Do you have a satisfactory SCRA affidavit? MR#4.

Affidavit must be satisfactory to you.

If it indicates that Δ is not in military, and does not have DOD website info attached, you must consider whether π has provided sufficient reason to support this finding.

If it indicates that π is unable to determine, affidavit should provide additional information as to reason.

If Δ is in military, follow local procedure for appointment of attorney and continue case for 90 days.

Was defendant served at least 5 business days (i.e., one week) prior to trial?

MR#5.

If minimum notice requirement not met, continuance is required unless defendant affirmatively waives.

Note special rule for SE: 2 days minimum notice.

As Trial Begins . . .

Is someone missing?

If defendant has been served but does not appear, the plaintiff must present evidence sufficient to prove each essential element of the case in the same way as if the defendant were present. (MR#8)

If defendant is present and neither plaintiff nor authorized representative is present, dismiss the case with prejudice.

If neither party is present, follow local practice.

Is plaintiff the real party in interest? MR#6.

If not, do not dismiss, but instead continue case to allow substitution of correct plaintiff.

Does plaintiff ask for a voluntary dismissal?

Plaintiff is entitled to voluntary dismissal at any point before completion of plaintiff's evidence. Use AOC G-108.

Has defendant filed (or does defendant ask to file) counterclaim?

Defendant can file counterclaim at any point up to time case is calendared to be heard.

If defendant misses deadline, defendant has waived right to file counterclaim in this action but is still allowed to file separate small claims action.

Counterclaim must meet requirements for small claims re type of case and amount sought, but there is no requirement that plaintiff reside in county.

When you try a case with a counterclaim, you're trying two cases in one.

Does one party ask for a continuance?

Continuance is permissible, but not mandatory, if parties agree to it.

If one party does not agree, you must determine whether there is good cause for a continuance.

Do you have any reason to suspect the defendant has filed for bankruptcy? MR#7

If defendant has filed a petition for bankruptcy, federal law automatically stays further action in your lawsuit and affirmatively prohibits you from going ahead. Any judgment you enter would be void.

Use G-108 to discontinue – not dismiss -- the action until the bankruptcy case has been resolved.

The defendant is not legally obligated to prove to you that a bankruptcy petition has been filed.

If you have any reason to suspect this is so, do not proceed until you have determined the truth.

Content Outline for Intro/ Module 4: Small Claims Procedure, Part 3

Conducting Trial

Whether or not defendant is present, the plaintiff has the burden of proving each essential element of the case by the greater weight of the evidence. MR#8

When both parties are present, the plaintiff must testify first.

The defendant is not required to present any evidence until the plaintiff has established a prima facie case.

What if the plaintiff asks to amend the complaint?

Leave to amend “shall be freely granted.”

Typically, question is not whether to allow amendment, but rather what notice is defendant entitled to in light of the change.

I recommend that you note amendment on judgment, rather than having plaintiff write on complaint (unless your clerk says otherwise).

Entering Judgment

Your judgment should dispose of all of the claims of all of the parties. MR#9

Be sure to follow the four steps:

- Make a clear division between the close of evidence and your judgment.
- Begin by identifying the winning party, by name. NOT: “I’m ruling for the plaintiff.”
- Give a brief reason for your decision, making some reference, however brief, to “the law.”
- Inform the losing party of (1) the right to appeal to district court for “a whole new trial” and (2) how to do so.

What if you’re not sure about the correct decision?

Instead of announcing your judgment in open court, you have the option of reserving judgment for up to 10 days (special rule for SE).

Requires you to fill out the certificate of service at bottom of judgment form.

You are responsible for mailing your decision to the parties.

Also useful when you anticipate disruption in courtroom.

After Judgment

Your judgment is a legal event which is final and may be changed in only one of two ways: appeal for trial de novo or being set aside under Rule 60(b). MR#10.

Appeal

You should know and be prepared to inform parties about the procedure for appeal:

- 1) Notice of appeal, either in court or in clerk's office. 10-day deadline
- 2) Mandatory visit to clerk's office to pay costs of appeal. 20-day deadline, except for SE/10.
- 3) Appeal for trial de novo = whole new trial in district court

Rule 60(b) motion to set aside

Judgments are set aside for many reasons, and the decision to do so is typically made by a district court judge.

Some magistrates are authorized by the CDCJ to conduct hearings about whether a judgment should be set aside for one reason only: excusable neglect by a party (which in practice almost always means = failure to show up for trial).

NOTE that error of law by a magistrate is NOT grounds for setting aside a judgment. The only remedy for a legal error by a judicial official is appeal.

NOTE also that a magistrate has no legal authority to correct an error in a final judgment (exception for clerical errors). The remedy, again, is appeal.

After judgment is entered

Your authority to act in a case ends when you enter judgment. You have no authority to assist a plaintiff in collecting a judgment or to protect a defendant from a plaintiff who's breaking the rules. I suggest that you consider using the "What Happens After Small Claims Court" handout as an alternative to answering questions from parties about post-judgment procedure.