

## COUNTER CLAIM INSTRUCTION TO PLAINTIFF

1. BY THIS FORM, THE DEFENDANT IS SUING YOU.
2. YOU MUST APPEAR AT THE DATE AND AT THE TIME SET FOR TRIAL. IF YOU FAIL TO APPEAR THE DEFENDANT MAY BE GIVEN A DEFAULT JUDGEMENT AGAINST YOU IN THE AMOUNT SPECIFIED IN THE COUNTERCLAIM.
3. YOU SHOULD BRING WITH YOU AT THE TIME SET FOR TRIAL ALL BOOKS, PAPERS, WITNESSES, AND EVIDENCE YOU HAVE TO ESTABLISH YOUR DEFENSE.
4. AT YOUR REQUEST THE COURT WILL ISSUE SUBPOENAS FOR ANY WITNESSES YOU MAY NEED. (YOU MUST ORDER THE SUBPOENA AS SOON AS POSSIBLE AND BEFORE THE TRIAL DATE.) (THE FEE PER SUBPEONA IS \$ 8.00)
5. IF YOU DESIRE A JURY TRIAL, YOU MUST REQUEST ONE WITHIN FIVE (5) WORKING DAYS FORM THE DATE SET FOR TRIAL. IF NO JURY TRIAL IS TIMELY REQUESTED, THE MATTER WILL BE HEARD AND DECIDED BY THE MAGISTRATE.
6. IF YOU ARE A MEMBER OF THE ARMED SUERVICES OF THE UNITED STATES, PLEASE ADVISE THE COURT UPON RECIEPT OF THIS COUNTERCLAIM.
7. IF YOU ARE UNDER 18 YEARS OF AGE, PLEASE ADVISE THE COURT UPON THE RECIEPT OF THIS COUNTERCLAIM.
8. IF YOU ARE A PRISONER IN ANY MUNICIPAL, COUNTY, OR FEDERAL JAIL OR PRISON, PLEASE ADVISE THE COURT UPON RECIEPT OF THIS COUNTERCLAIM.
9. YOU MAY BE REPRESENTED BY AN ATTORNEY, BUT ARE NOT REQUIRED TO HAVE ONE. THE MAGISTRATE'S COURT WILL EXPLAIN THE PROCEDURE OF THE COURT AND WILL HELP YOU PREPARE PAPERS RELATED TO YOU ACTION IF YOU REQUIRE SUCH ASSISTANCE. THE COURT CANNOT, HOWEVER, REPRESENT YOU OR PROVIDE YOU WITH AN ATTORNEY.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF )  
 )  
 \_\_\_\_\_ )  
 PLANTIFF )  
 \_\_\_\_\_ )  
 STREET ADDRESS )  
 \_\_\_\_\_ )  
 CITY, STATE ZIP )  
 \_\_\_\_\_ )  
 TELEPHONE )  
 VS. )  
 \_\_\_\_\_ )  
 DEFENDANT(S) )  
 \_\_\_\_\_ )  
 STREET ADDRESS )  
 \_\_\_\_\_ )  
 CITY, STATE ZIP )  
 \_\_\_\_\_ )  
 TELEPHONE )

\_\_\_\_\_ CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

COUNTERCLAIM

The defendant states he has a claim against the plaintiff in the amount of \$\_\_\_\_\_.

The counterclaim arose out of the same transaction or occurrence as the plaintiff's claim as a result of the following events: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Attach supplement if necessary)

The defendant states that the information contained in the counterclaim is true and correct to the best of his knowledge. Defendant understands that should he be successful in this action and obtain judgment, and if plaintiff does not appeal within ten days, this judgment becomes final. The defendant cannot commence another action involving the same parties and issues.

I state under penalty of perjury that the above is correct and truthful.

DATED: \_\_\_\_\_ Signature of Defendant (or his attorney)

**KEEP A COPY OF THIS COUNTERCLAIM AND BRING IT TO COURT**