

CLAIM & DELIVERY

A claim and delivery is a legal action to recover personal property which is in the possession of another party. The party who begins the action is the plaintiff. The party who has possession of the property claimed is the defendant. The claim and delivery must be filed with the court where the property is located. You must pay a filing fee of \$65.00 when you file the action. An accurate address for the party who has possession of the property in question must be furnished. The court is unable to process papers with only a post office box number. The jurisdictional limit of this court is \$7,500. If the subject property is valued at more than \$7500, you will need to file your claim and delivery action in the Court of Common Pleas. You must file a claim and delivery action in the county in which the property is located. The Court's constables are unable to serve papers outside of Lexington County. A claim and delivery action is begun by the filing of an affidavit of the plaintiff describing in detail all the property sought to be recovered. If the property includes a vehicle, you must provide the vehicle identification number. Once the affidavit is filed, the court will provide you with a court date, which will be three to four weeks after the filing date. A constable will serve a copy of the affidavit along with a summons setting forth the court date on the defendant. A restraining order will be included within the summons forbidding the defendant from concealing, damaging or disposing of the subject property. If the restraining order is violated, the defendant may be held in contempt of court and punished accordingly.