

Property Damage

This information is for informational purposes only. It should not be considered legal advice. For legal advice consult an attorney.

How long do I have to sue?

You have three years from the date your property was damaged to sue.

What do I need to prove?

To be successful in a small claims case for property damage, you will need to prove each of the following:

1. Your property was damaged.
2. It was the defendant's fault.
3. You suffered a monetary loss as a result.

What proof should I bring to court?

Bring with you to court anything that helps to prove your case. For example: (Note: this is not a complete list)

- To prove your property was damaged evidence can include: photos of the damage, videos of the damage, or statements from an expert that explains the damage.
- To prove it was the defendant's fault you may bring a witness or witness statement, report, or an expert to explain the damage.
- To prove you suffered a monetary loss you may bring receipts, estimates for repairs or anything that helps to prove the value of the property.

How much can I sue for?

You can calculate and add up the amounts for: (Note: this is not a complete list)

- Damages
- Estimates for repairs
- Transportation costs (projected costs)
- Time spent on the case (projected costs)
- Wages lost (projected costs)

You can add in an amount for punitive damages. There is no exact formula for calculating punitive damages.

You do not need to list filing fees and service fees. These fees will be awarded by the Judge if you win the Small Claims

Include everything you think you may be entitled to. A judge can award you less than what you asked for, but they cannot award you more.