

SUPERIOR COURT OF CALIFORNIA

County of Marin

3501 Civic Center Drive
P.O. Box 4988
San Rafael, CA 94913-4988
(415) 444-7040



**THE ATTACHED PACKET CONTAINS ALL REQUIRED FORMS
FOR PROCEEDINGS IN A SMALL CLAIMS ACTION**

PRE-PRINTED PACKET FEE \$1.00

| | |
|--|----------|
| Filing Fee (\$1,500.00 or less) | \$30.00 |
| Filing Fee (more than \$1,500.00, less than or equal to \$5,000.00) | \$50.00 |
| Filing Fee (more than \$5,000.00, less than or equal to \$10,000.00 - by natural persons only) | \$75.00 |
| Filing Fee (by party that has filed more than 12 small claims in CA within the last 12 months) | \$100.00 |

Instructions for Completing Plaintiff's Claim

- 1) Complete all blank spaces in black ink on the *Plaintiff's Claim*. Sign and date the form.
- 2) Present an original for filing of the *Plaintiff's Claim* with the required filing fee to the Clerk's Office in Room 113 (in person or by mail).
- 3) The clerk will schedule a court date for a hearing on the *Plaintiff's Claim*.
- 4) The Plaintiff must serve a copy of the *Plaintiff's Claim* on the defendant(s).

Note: If you are not fluent in English, please bring someone with you who can interpret for you when you file papers or appear in court.

For other Small Claims forms, please access our web site below; click on "Judicial Council Forms", then select "Small Claims".

www.marincourt.org/small_claims.htm

Employees of the Marin County Superior Court are prohibited by law from giving legal advice, including specific information on how to prepare the various documents contained in this packet. (Government Code § 24004).

If you need help, you are advised to contact an attorney. The following referral may also be of assistance:

Legal Self Help Services (415) 444-7130, Option 5
Small Claims Advisor
3501 Civic Center Drive, Room C-27
San Rafael, CA 94903

*Open 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.
(Please arrive no later than 11:15 a.m. and 3:15 p.m.)*

MARIN COUNTY SUPERIOR COURT ♦ SMALL CLAIMS DIVISION

3501 Civic Center Drive, Room 113

P.O. Box 4988

San Rafael, CA 94913-4988

(415) 444-7040

THIS IS INTENDED FOR INFORMATION PURPOSES ONLY.

The following reflects how the Plaintiff, the person/entity suing, should be reflected on the Plaintiff's claim. The reverse of this page demonstrates how the person/entity, the Defendant, that you are suing, should be named. If you have any questions, you should contact Small Claims Advisor at (415) 444-7130.

HOW TO REFLECT THE NAME OF THE PLAINTIFF(S):

If the Plaintiff is a Sole Individual

JOHN PUBLIC
123 Main Street
Anytown, CA 01234
(415) 555-9876

If the Plaintiff is a Sole Proprietorship*

JOHN PUBLIC dba ABC GARAGE
123 Main Street
Anytown, CA 01234
(415) 555-9876

If the Plaintiff is a Partnership*

ABC GARAGE, a partnership
123 Main Street
Anytown, CA 01234
(415) 555-9876

If the Plaintiff is a Corporation*

ABC GARAGE, Inc.
123 Main Street
Anytown, CA 01234
(415) 555-9876

***If Plaintiff is a Minor, a Guardian Ad Litem
must be reflected (ask Clerk for form)***

JOHN PUBLIC, Guardian Ad Litem for
JANE PUBLIC, a minor
123 Main Street
Anytown, CA 01234
(415) 555-9876

If the Plaintiff is a Limited Liability Company, LLC*

ABC GARAGE
123 Main Street
Anytown, CA 01234
(415) 555-9876

***If the claim arises out of a vehicle accident, and alleges
property damages, the registered owner must file the
claim (Vehicle Code 17150)***

BILL CITIZEN, registered owner
123 Main Street
Anytown, CA 01234
(415) 555-9876

If the Plaintiffs are husband and wife (both must sign)

JOHN PUBLIC, husband
SUE PUBLIC, wife
123 Main Street
Anytown, CA 01234
(415) 555-9876

* If the Plaintiff is a Sole Proprietorship, Partnership, Corporation, or Limited Liability Company, LLC, the person signing must also designate his/her title/position in the space opposite the signature line.

*Examples: Owner (for a sole proprietorship)
 Partner (for a partnership)
 Corporate title (for a corporation - e.g., President, VP, Treasurer, etc.)
 Manager(s) or member(s) (for a limited liability company)*

NAMING DEFENDANTS IN SMALL CLAIMS ACTIONS:

If the Defendant is an Individual

BILL CITIZEN
987 Main Road
Anytown, CA 01234
(415) 555-9876

If the Defendant is a Partnership

JPS ADVERTISING, a partnership, consisting of
JOHN SMITH and BILL CITIZEN, partners
987 Main Road
Anytown, CA 01234
(415) 555-9876

If the Defendant(s) is a Sole Proprieter

BILL CITIZEN, ind & dba JPS ADVERTISING
- or, if necessary -
BILL CITIZEN and JOHN SMITH, as inds
& dba JPS ADVERTISING
987 Main Road
Anytown, CA 01234
(415) 555-9876

If the Defendant is a Corporation

JPS ADVERTISING, INC.
987 Main Road
Anytown, CA 01234
(415) 555-9876

- or, if necessary -

If the Address for serving the corporation is
other than the address given, OR there is a
name of an agent for service of process or
special instructions for serving, the information
will be typed in parentheses in the box below
the defendant name.

If the Defendant is a Minor

CHARLOTTE CITIZEN, a minor
BILL CITIZEN, parent
987 Main Road
Anytown, CA 01234
(415) 555-9876

***If you are suing on a vehicle accident, you must
name the registered owner and/or the other
driver (Vehicle Code § 17152)***

BILL CITIZEN, registered owner
987 Main Road
Anytown, CA 01234
(415) 555-9876

MARY CITIZEN, driver
987 Main Road
Anytown, CA 01234
(415) 555-9876

OTHER EXAMPLES:

COUNTY OF MARIN
(Department being sued)
3501 Civic Center Drive, Suite 315
San Rafael, CA 94903-4193
(415) 555-9876

BILL CITIZEN,
Executor of the Estate of C. Citizen
987 Main Road
Anytown, CA 01234
(415) 555-9876

BILL CITIZEN, husband
SUE CITIZEN, wife
987 Main Road
Anytown, CA 01234
(415) 555-9876

MARIN COUNTY SUPERIOR COURT
SMALL CLAIMS DIVISION
Civic Center, Room 113
P.O. Box 4988
San Rafael, CA 94913-4988
(415) 444-7040

LOCAL POLICY INFORMATION FOR THE SMALL CLAIMS PLAINTIFF

I. TRY MEDIATION PRIOR TO FILING A SMALL CLAIM

The Marin County District Attorney's Consumer Protection Unit (CPU) can attempt to mediate your consumer vs. business, tenant - landlord, neighborhood, community, animal, and homeowner association dispute before filing an action in small claims court.

The CPU, located in Room 130 of the Civic Center, is open Monday through Friday, 8 AM to 4:30 PM. Walk-ins are welcome, or call (415) 499-6495 or (415) 499-6188 (Spanish).

CPU cannot provide legal advice or discuss the merits of any civil action.

II. GENERAL INFORMATION

- A. SMALL CLAIMS FILINGS BY FAX ARE NOT ALLOWED.
- B. SEND SELF-ADDRESSED STAMPED ENVELOPES WHEN HANDLING CLAIMS THROUGH THE MAIL.
- C. BUSINESSES WILL BE REQUIRED TO FILE FICTITIOUS NAME DECLARATIONS BEFORE FILING SMALL CLAIMS. OBTAIN FORM FROM CLERK.
- D. IF YOU HAVE HAD AN ARBITRATION OF AN ATTORNEY-CLIENT FEE DISPUTE, OBTAIN FORM FROM CLERK.

III. WHO CAN FILE IN SMALL CLAIMS

- A. PLEASE READ the attached "*Information for the Small Claims Plaintiff*" provided by Judicial Council.
- B. If the claim arises out of a vehicle accident and property damage is alleged, the registered owner must file the claim (Vehicle Code 17150). If the claim arises out of a vehicle accident, the driver and/or the registered owner of the other vehicle may be named (Vehicle Code 17152).

IV. HOW TO FILE SUIT AGAINST A CORPORATION

- A. Before filing your claim, do the following:

If you are suing a corporation, get the correct name of the corporation and the name of an officer of the corporation with title or the agent for service of process. You may telephone the Secretary of State in Sacramento, (916) 653-6814 for this information if you have a prepaid account with them. The fee is \$5.00 per name. You may request this information by mailing the required fee to: Secretary of State, Corporate Filings and Services Division, 1500 11th Street, Sacramento, CA 95814, Attn: Corporate Status Unit, 3rd Floor. You may also access their website at www.ss.ca.gov; click on Business Portals.

V. HOW TO FILE A SMALL CLAIM

- A. Read both attached information sheets (4 pages).
- B. Ask clerk for "Fictitious Name Declaration" form if you are suing under a fictitious business name. Complete this form (either print or type).
- C. Ask clerk for "Plaintiff's Claim and Order to Defendant" form.
- D. Present completed "Fictitious Name Declaration" form, if applicable, and typed "Claim and Order" form to clerk for filing and pay required filing fee. **YOU MAY MAIL IN YOUR CLAIM PAPERS AND FILING FEE TO AVOID WAITING IN LINE. ENCLOSE A SELF-ADDRESSED STAMPED ENVELOPE.**
- E. Pay required filing fees to the clerk as follows:

- 1. Filing claim for \$1,500 or less \$30.00
Filing claim for more than \$1,500, but less than or equal to \$5,000 \$50.00
Filing claim for more than \$5,000, but less than or equal to \$10,000 (claim by natural persons only) \$75.00
Filing claim by person who has filed more than 12 small claims in California within the previous 12 months \$100.00

If you cannot afford the fee for filing a small claim case or for serving the claim on the other party, ask the clerk for "pauperis" forms. You will be given a packet of forms/ instructions to read and complete. The clerk or the judge will consider your request.

- 2. Certified mailing fee is \$10.00 per defendant. (Only the Court may notify the defendant by certified mail.)
- 3. Postponement of hearing fee per request is \$10.00. [CCP 116.570(d)]

VI. HOW TO NOTIFY DEFENDANT(S)

- A. Defendant must be served within the State of California.
- B. If the certified mail service is defective, you will still be required to appear in Court and reset the case for personal service only and second hearing date.
- C. If you have the defendant(s) served by the Court by certified mail, check with the Court, (415) 444-7040 before the hearing date to find out whether defendant(s) accepted the certified letter. If not accepted, you must have the defendant(s) served personally.
- D. Proof of service must be filed with the clerk no later than 5 days prior to the court date.

VII. CONTINUING A HEARING DATE

After service is effected on the defendant, the Court will grant one continuance to each side if written notification and fee of \$10.00 is received by the Court 10 days prior to the hearing date. A copy of this notification must be mailed to the other side by the requesting party.

VIII. HOW TO RESET A HEARING DATE

If you have been unable to serve the defendant prior to the hearing date, you may reset the date with the clerk before the hearing date or appear in court on the hearing date and ask the court to reset the hearing date. Otherwise, your case will be dismissed without prejudice on the hearing date and you will have to re-file your action.

IX. SCHEDULING OF SMALL CLAIM CASES

Small Claim trials are heard Monday at 8:30 AM and 10:30 AM; the 1st Tuesday of every month at 9:00 AM; and Friday at 8:30 AM and 10:30 AM.

X. WHO MUST BE PRESENT

You should bring your original exhibits with your name labeled at top and a photocopy of each to Court. Leave the copy with the Court, if requested. To pick up exhibits after hearing and appeal period has expired, contact Exhibits at (415) 444-7080 to schedule an appointment.

IMPORTANT: BE ON TIME

XI. LOSING PARTY APPEAL RIGHTS

- A. Plaintiff may not appeal if he loses.
- B. Defendant may appeal if he loses.

XII. WHEN TO APPEAL

- A. Notice of Appeal must be filed with the clerk within 30 days from the date the judgment was mailed, including \$75.00 fee if you appeared in Court. Please make check out to Marin County Superior Court.
- B. If you did not appear in Court, you may file a Motion to Vacate Judgment with the clerk within 30 days from the date the judgment was mailed. If Motion to Vacate is denied, you have 10 days to file an appeal of the motion to vacate from the date the motion was denied.

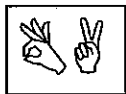
XIII. WHAT HAPPENS ON APPEAL

- A. Case with exhibits is transferred to Superior Court.
- B. Case is heard all over again.
- C. Case will be heard within 30 days.
- D. Attorneys may participate in Superior Court. [CCP 116.770(c)]

Please notify the clerk if you are in need of special assistance because of age or disability in the handling of your claim.



Accessible seating for persons with disabilities (including wheelchairs) will be available.



American Sign Language interpreters may be requested by deaf or hearing impaired persons by calling (415) 444-7060 preferably two weeks in advance, but no later than 72 hours prior to your hearing date.



Assistive Listening Devices are available for hearing impaired individuals, and may be requested by calling the bailiff's station (415) 473-7393 no later than 72 hours prior to your hearing date.

INFORMATION FOR THE SMALL CLAIMS PLAINTIFF

This information sheet is written for the person who sues in the small claims court. It explains some of the rules of and some general information about the small claims court. It may also be helpful for the person who is sued.

WHAT IS SMALL CLAIMS COURT?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than \$5,000 if you are a business or public entity or for more than \$10,000 if you are a natural person (including a sole proprietor). (**See below for references to exceptions.*) If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over the limit. You cannot, however, file more than two cases in small claims court for more than \$2,500 each during a calendar year.

WHO CAN FILE A CLAIM?

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem**. This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
2. A person who sues in small claims court must first make a **demand**, if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court.

You must also appear at the small claims hearing yourself unless you filed the claim for a corporation or other entity that is not a natural person.

4. If a corporation files a claim, an employee, an officer, or a director must act on its behalf. If the claim is filed on behalf of an association or another entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or another entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear on Behalf of Party*, form SC-109.)

WHERE CAN YOU FILE YOUR CLAIM?

You must sue in the right court and location. This rule is called **venue**. Check the court's local rules if there is more than one court location in the county handling small claims cases.

If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard.

The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;

3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken;
5. For a retail installment account or sales contract or a motor vehicle finance sale:
 - a. Where the buyer lives;
 - b. Where the buyer lived when the contract was entered into;
 - c. Where the buyer signed the contract; or
 - d. Where the goods or vehicle are permanently kept.

SOME RULES ABOUT THE DEFENDANT (including government agencies)

1. You must sue using the defendant's *exact legal name*. If the defendant is a business or a corporation and you do not know the exact legal name, check with the state or local licensing agency, the county clerk's office, or the Office of the Secretary of State, Corporate Status Unit at www.ss.ca.gov/business. Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.

2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.

HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process**. This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF**. Here are four ways to serve the defendant:

1. **Service by a law officer** — You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server** — You may ask anyone who is *not a party* in your case and who is at least *18 years* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when

the defendant was served. Registered process servers will do this for you for a fee. You may also ask a friend or relative to do it.

3. **Certified mail** — You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court prior to the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service** — This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

*Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) In an action brought by a natural person for damages for bodily injuries resulting from an automobile accident, a \$7,500 limit applies if a defendant is covered by an automobile insurance policy that includes a duty to defend. (See Code Civ. Proc., § 116.221.)

4. **Substituted service** (*continued*)

A copy of your claim must be left

— at the defendant's business with the person in charge;

OR

— at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class postage prepaid, to the defendant at the address where the paper was left. The service is not complete until *10 days* after the copy is mailed.

No matter which method of service you choose, the defendant must be served by a certain date or the trial will be postponed. If the defendant lives in the county, service must be completed at least *15 days* before the trial date. This period is at least *20 days* if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service* (form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant**) will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim*. The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than \$5,000 or \$10,000 if the defendant is a natural person (**see exceptions on page 1*). If the value of the claim is more than this amount, the defendant may either give up the amount over \$5,000 or \$10,000 and sue in the small claims court or file a motion to transfer the case to the appropriate court for the full value of the claim.

The defendant's claim must be served on the plaintiff at least *5 days* before the trial. If the defendant received the plaintiff's claim *10 days* or less before the trial, then the claim must be served at least *1 day* before the trial. Both claims will be heard by the court at the same time.

WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily. You may also ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order prior to the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130 or SC-200).

WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and collects the money is called the **judgment creditor**. The party who loses the case and owes the money is called the **judgment debtor**. Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment* form. The clerk may also have this information on a separate sheet.

HOW TO GET HELP WITH YOUR CASE

1. **Lawyers** — Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.
2. **Interpreters** — If you do not speak English well, bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).
3. **Waiver of fees** — The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court** — If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays**.
5. **Parties who are in jail** — If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations** — If you have a disability and need assistance, immediately ask the court to help accommodate your needs. If you are hearing impaired and need assistance, notify the court immediately.
7. **Forms** — You can get small claims forms and more information at the California Courts Self-Help Center Web site (www.courts.ca.gov/smallclaims), your county law library, or the courthouse nearest you.
8. **Small claims advisors** — The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

Clerk stamps date here when form is filed.

Notice to the person being sued:

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:
Superior Court of California, County of

Clerk fills in case number and case name:
Case Number:
Case Name:

Order to Go to Court

The people in ① and ② must go to court: (Clerk fills out section below.)

| Trial Date | Date | Time | Department | Name and address of court if different from above |
|-------------------|-------|-------|------------|---|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: www.courts.ca.gov/smallclaims/forms.
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number: _____

Plaintiff (list names): _____

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-100A.

Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

2 The Defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-100A.

Check here if any Defendant is on active military duty, and write his or her name here: _____

3 The Plaintiff claims the Defendant owes \$ _____ . (Explain below):

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) _____

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names): _____

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes No

If no, explain why not: _____

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- (2) Where the Plaintiff's property was damaged.
- (3) Where the Plaintiff was injured.
- b. Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d. Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e. Other (specify): _____

6 List the zip code of the place checked in 5 above (if you know): _____

7 Is your claim about an attorney-client fee dispute? Yes No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity? Yes No

If yes, you must file a written claim with the entity first. A claim was filed on (date): _____

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: _____
Plaintiff types or prints name here

▶ _____
Plaintiff signs here

Date: _____
Second Plaintiff types or prints name here

▶ _____
Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)



“**Small claims court**” is a special court where claims for \$5,000 or less are decided. A “natural person” (not a business or public entity) may generally claim up to \$10,000, including a sole proprietor. (*See below for exceptions.) The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read “Be Prepared for Your Trial” at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don’t speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courts.ca.gov/smallclaims/forms.

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see: www.courts.ca.gov/smallclaims/appeals.

*Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. § 116.220(c).) In an action brought by a natural person for damages for bodily injuries resulting from an automobile accident, a \$7,500 limit applies if a defendant is covered by an automobile insurance policy that includes a duty to defend. (See Code Civ. Proc. § 116.221.)

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.



La “Corte de reclamos menores” es una corte especial donde se deciden casos por \$5,000 ó menos. Una “persona natural” (que no sea un negocio ni una entidad pública) puede reclamar hasta \$10,000. Una “persona natural” (que no sea un negocio ni una entidad pública), que incluye un dueño único, generalmente puede reclamar hasta \$10,000. (* Vea abajo para las excepciones.) El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en:

www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo inglés bien?

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas y costos de la corte (formulario FW-001).

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en: www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

www.courts.ca.gov/reclamosmenores/asesores.

***Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) En un caso presentado por una persona natural por daños debido a lesiones físicas en un accidente automovilístico, existe un límite de \$7,500 si el demandado tiene cobertura bajo una póliza de seguro de vehículo que incluye la obligación de defender. (Vea el Código de Procedimiento Civil, sección 116.221.)

This form is attached to Form SC-100, item 1 or 2.

1 If more than 2 plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.

2 If more than 2 defendants (person, business, or entity being sued), list their information below:

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____


City: _____ State: _____ Zip: _____


Check here if more than 4 defendants and fill out and attach another Form SC-100A.

3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____ *Type or print your name*  _____ *Sign your name*

Date: _____ *Type or print your name*  _____ *Sign your name*

This form is attached to Form SC-100, item 7. It tells the court that you are suing about a disagreement for \$5,000 or less in attorney fees and that you have tried to solve the disagreement through arbitration. Read page 2 of this form before you fill out this form. It explains your rights and some small claims terms.

1 How much money is in dispute? \$ _____ 2 You are (check one): Attorney Client

3 What did the arbitrator decide? (Check one):
a. The attorney client has to pay the other party this amount: \$ _____
b. Neither party has to pay the other party anything.

4 Write the date your Notice of Award was mailed here: _____ (Look at the bottom of the Notice.)

5 Why are you filing in small claims court now? (Check what you are asking the judge to do):
a. I want the court to confirm the award.
b. I want the court to correct the award because (check only one and explain below):
1. It contains an error in calculation or a mistake in describing someone or something in the award.
2. The arbitrator considered legal issues not allowed in this kind of hearing and the award can be corrected so it is fair.
3. It doesn't follow the rules for proper wording, information, or signature. (State Bar Rule 37.2 et seq.)

Explain: _____

c. I want the court to vacate (cancel) the award because (check only one and explain below):
1. It was obtained by fraud, corruption, or other unfair means.
2. The arbitrator was corrupt.
3. The arbitrator did something wrong that substantially hurt my case.
4. The arbitrator considered legal issues not allowed in this kind of hearing and the award cannot be corrected so it is fair.
5. The arbitrator unfairly refused to postpone my case or refused to consider important evidence that could help settle the dispute or conducted the hearing in another way that is not allowed.
6. The arbitrator knew of reasons why he or she could have been disqualified but did not disclose this information or did not disqualify himself or herself after I asked the arbitrator to do so at the proper time.

Explain: _____

Check here if you are asking for a new arbitration hearing.
d. I want a trial in small claims court to decide the fee dispute. (You can check this option only if you did not agree in writing to a binding award and you file this form within 30 days after the Notice of the Award.)

6 Did you (or your attorney) go to the arbitration hearing? Yes No (If no, explain below):

7 Attach a copy of the Arbitration Agreement and the Notice of Award (the arbitrator's decision).
If you do not attach them, explain why here: _____

Date: _____
Type or print your name

Sign your name

Your name: _____

What is arbitration?

Arbitration is when a neutral person (an arbitrator) hears evidence from each side and then makes a decision (award) in your case. It is less formal than a trial in court.

Do I have to use arbitration for this dispute?

In most cases, yes. The only exceptions are:

- Parties who did not sign an agreement to arbitrate fee disputes *and*
- Clients who do not want to use arbitration. The attorney *must* use arbitration if the client asks for it.

What is nonbinding arbitration?

Nonbinding arbitration allows you *or* the other side to ask for a trial if either of you does not like the arbitrator's decision. You have 30 days after the notice is mailed to ask for a trial.

What is binding arbitration?

Binding arbitration means you and the other side gave up your right to a trial and must accept the arbitrator's decision. Your arbitration is binding if:

- Both sides agreed to binding arbitration in writing (after they disagreed about fees or costs) *or*
- 30 days or more have gone by since the nonbinding decision was mailed.

What if I agree with the award?

If your award is *nonbinding* and the other party does not file papers asking for a trial, the award becomes binding in 30 days.

If the award is *binding* and it says the other party owes you money, send a letter asking to be paid within a reasonable time. If you don't get paid, ask the court to "confirm" the award. This allows you to ask the court to order payment from the other party's paycheck, bank accounts or property. You must do this within 4 years after the notice of award. (See page 1, item 5a.)

What if I am not happy with the award?

You can ask the court to **correct** the award if it contains an obvious mistake in calculating a number or describing a person, thing, or property. (See page 1, item 5b.)

You can ask the court to **vacate (cancel)** the award if certain kinds of misconduct or mistakes happened in the arbitration. (See page 1, item 5c.)

You can reject the award and **ask for a trial** if you and the other party did not agree in writing to binding arbitration. (See page 1, item 5d.)

How long do I have to ask for a trial?

You have up to 30 days after the date the Notice of Award was mailed to you. Look for the date on the bottom of the notice. If you do not ask for a trial within 30 days, the award will become binding.

How long do I have to ask the court to vacate or correct the award?

In most cases you have up to 100 days after the date the Notice of Award was mailed to you. But if the other side asks the court to confirm, correct, or vacate the award, you must ask the court to correct or vacate the award before the court's deadline to answer the other side's request. Your Small Claims Advisor can give you more information on court deadlines.

Which court do I use for a trial or to confirm, correct, or vacate the award?

If a lawsuit has already been filed about the fee disagreement, file your papers in the same court and use same case number as in that lawsuit. (Before filing, you must serve all parties named in the claim.)

If no lawsuit has been filed about the fee disagreement, file in the court of the county where the arbitration was held and ask for a trial or ask the court to confirm, correct, or vacate the award.

- If the amount in disagreement is \$5,000 or less, file in small claims court. Use Forms SC-100 and SC-101.
- If the amount in disagreement is more than \$5,000, file in superior court. See Form ADR-105.

What if an attorney doesn't pay the award?

If an attorney doesn't pay the award, the State Bar can help you. If you don't receive the award in 100 days after receiving the Notice of the Award, or if the award becomes a final judgment, contact the State Bar at:

Mandatory Fee Arbitration
180 Howard Street, 6th Floor
San Francisco, CA 94105-1639
415-538-2020

More Information

California has special laws for arbitration of disputes over attorney fees. For more information, see:

- State Bar of California Web site: www.calbar.org
- Form ADR-105, *Information Regarding Rights After Attorney-Client Fee Arbitration*
- Cal. Business & Professions Code, §§ 6200-6206

This form is attached to: Form SC-100 OR Form SC-120

- 1** If you want to file a small claim and you are doing business under a fictitious name ("doing business as," or "dba") give the following information. *(Nonprofits and exempt real estate investment trusts do not have to file this form.)*

Business name of the person suing: _____

Business address (not a U.S. Postal Service P.O. Box): _____

Mailing address (if different): _____

- 2** The business listed in **1** does business as *(check ONLY one)*:

 an individual a corporation an association a limited liability company a partnership other *(specify)*: _____

You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.

- 3** Name of county where you filed your Fictitious Business Name Statement (dba): _____

- 4** Your Fictitious Business Name Statement number: _____

- 5** Date your Fictitious Business Name Statement expires: _____

- 6** I declare, under penalty of perjury under California State law, that the information above is true and correct. **Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.**

Date: _____

*Type or print your name and title*_____
Sign your name**Need help?**

Your county's Small Claims Advisor can help for free.

Or go to "County-Specific Court Information" at:
www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps date here when form is filed.

Notice to the person being sued:

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached, to understand the claim against you and to protect your rights.

Aviso al demandado:

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Case Name:

Order to Go to Court

The people in ① and ② must go to court: (Clerk fills out section below.)

| Trial Date | → Date | Time | Department | Name and address of court if different from above |
|------------|----------|-------|------------|---|
| | 1. _____ | _____ | _____ | _____ |
| | 2. _____ | _____ | _____ | _____ |
| | 3. _____ | _____ | _____ | _____ |

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Plaintiff a court-stamped copy of all 3 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number: _____

Defendant (list names): _____

1 The Plaintiff (the person, business, or public entity that sued first) is:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

- Check here if more than 2 Plaintiffs and attach Form SC-120A.
- Check here if any Plaintiff is on active military duty and write his or her name here: _____

2 The Defendant (the person, business, or public entity suing now) is:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: () _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

- Check here if more than 2 Defendants and attach Form SC-120A.
- Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

3 The Defendant claims the Plaintiff owes \$ _____ . (Explain below):

a. Why does the Plaintiff owe the Defendant money? _____

b. When did this happen? (Date): _____
If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) _____

- Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.

Case Number: _____

Defendant (list names): _____

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes No

5 Is your claim about an attorney-client fee dispute? Yes No
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity? Yes No
If yes, you must file a written claim with the public entity first. A claim was filed on (date): _____
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 Have you filed more than 12 other small claims within the last 12 months in California?
 Yes No If yes, the filing fee for this case will be higher.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: _____ Defendant types or prints name here Defendant signs here

Date: _____ Second Defendant types or prints name here Second Defendant signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



Need help?

Your county's Small Claims Advisor can help for free.

Or go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

This form is attached to Form SC-120, item 1 or 2.

1 If more than 2 plaintiffs (person, business, or public entity being sued), list their information below:

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Check here if more than 4 plaintiffs and fill out and attach another Form SC-120A.

2 If more than 2 defendants (person, business, or public entity suing), list their information below:

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this defendant doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this defendant doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Check here if more than 4 defendants and fill out and attach another Form SC-120A.

3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____
Type or print your name

▶ _____
Sign your name

Date: _____
Type or print your name

▶ _____
Sign your name

Use this form to serve a **person**, a **business**, or a **public entity**. To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

- Clerk (of a city or county)
- Chief officer or director (of a public agency)
- Any person authorized for service by the entity

① a. If you are serving a **person**, write the person's name below:

b. If you are serving a **business** or **entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

Business or Agency Name _____

Person Authorized for Service _____

Job Title _____

② **Instructions to Server:**

You must be at least 18 years old and **not be named in this case**. Follow these steps:

- Give a copy of all the documents checked in ③ to the person in ①, *or*
- Give a copy of all the documents checked in ③ to one of the following people:
 - a. A competent adult (at least 18) living with, and at the home of the person in ①, *or*
 - b. An adult (at least 18) who seems to be in charge at the usual workplace of the person in ①, *or*
 - c. An adult (at least 18) who seems to be in charge where the person in ① usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in ① *and* mail a copy of the documents left with one of the adults in a, b, or c above to the person in ①.

THEN

- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, **in time for the form to be filed with the court at least 5 days before the hearing.**

③ I served the person in ① a copy of the documents checked below:

- a. SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b. SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c. Order for examination (*This form must be personally served. Check the form that was served*):

*Note: The court can issue a civil arrest warrant if the served party does not come to court **only** if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.*

(1) SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*

(2) AT-138/EJ-125, *Application and Order for Appearance and Examination*

d. Other (*specify*): _____

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number, case name, hearing date, day, time, and department below:

Case Number: _____

Case Name: _____

Hearing Date: _____

Time: _____

Dept.: _____



Case Number: _____

Case name: _____

4 Fill out "a" or "b" below:

a. **Personal Service:** I personally gave copies of the documents checked in **3** to the person in **1**:

On (date): _____ At (time): _____ a.m. p.m.
At this address: _____
City: _____ State: _____ Zip: _____

b. **Substituted Service:** I personally gave copies of the documents checked in **3** (a, b, or d) to (check one):

- A competent adult (at least 18) at the **home** of, and living with the person in **1**, or
- An adult who seems to be in charge where the person in **1** usually **works**, or
- An adult who seems to be in charge where the person in **1** usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in **1**.

I told that adult, "Please give these court papers to (name of person in **1**)."

I did this on (date): _____ At (time): _____ a.m. p.m.

At this address: _____

City: _____ State: _____ Zip: _____

Name or description of the person I gave the papers to: _____

After serving the court papers, I put copies of the documents listed in **3** in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in **1** at the address where I left the copies.

I mailed the envelope on (date): _____ from (city, state): _____
by leaving it (check one):

- a. At a U.S. Postal Service mail drop, or
- b. At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, or
- c. With someone else I asked to mail the documents to the person in **1**, and I have attached that person's completed Form SC-104A.

5 Server's Information

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Fee for service: \$ _____

If you are a registered process server:

County of registration: _____ Registration number: _____

6 I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: _____

Type or print server's name

Server signs here after serving

This form is attached to Form SC-104. Use this form ONLY if you mailed the documents in ① and someone else personally gave them to the person, business, or public entity served.

Notice to Server

You must:

- Be at least 18 and **not listed in this lawsuit.**
- Fill out ①–⑥ of this form and attach it to Form SC-104.

① Documents served by mail:

- a. SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b. SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c. Other (specify): _____

② Name and address of the person, business, or public entity served:

a. If you served a **person**, write the person's name and address below:

Name: _____

Address: _____
Street City State Zip

b. If you served a **business or public entity**, write the name and address of the business or public entity, the person authorized for service, and that person's job title:

| | | |
|--------------------------------|-------------------------------|-----------|
| Business or Public Entity Name | Person Authorized for Service | Job Title |
|--------------------------------|-------------------------------|-----------|

Address: _____
Street City State Zip

③ I put copies of the documents listed in ① above in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person, business, or public entity listed in ② and mailed the envelope by leaving it at (*check one*):

- a. A U.S. Postal Service mail drop *or*
- b. An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

④ I mailed the envelope:

a. On (*date*): _____ b. From (*city, state*): _____

⑤ My address is: _____

⑥ I declare, under penalty of perjury under California State law, that the information above is true and correct.

Date: _____

Type or print server's name

▶ _____
Server signs here after mailing

What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for
- When and where the trial will be *and*
- What the party can choose to do

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*

How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

Who can serve?

You can ask a friend, a process server, or the Sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.” The Sheriff (or Marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the Sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on Form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

What does the server do with the original Proof of Service form?

If a process server or Sheriff served the papers, he or she can file Form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

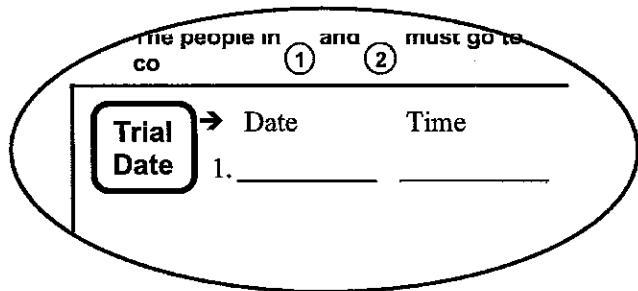
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

When do the court forms have to be served?

- **If you are serving Form SC-100, Plaintiff’s Claim,** look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving Form SC-120, Defendant’s Claim,** look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

What if I can’t get the court papers served before the trial?

If you were not able to serve your claim (Form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file Form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other Plaintiffs and Defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:
Lee Smith, owner and driver

If the owner and driver are not the same person:
Lee Smith, owner and driver
Bob Smith, owner

If you are suing a business, an association, or a public entity, read Form SC-104C, *How to Serve a Business*.

Need help?

Your county’s Small Claims Advisor can help for free.



Or go to “County-Specific Court Information” at: www.courtinfo.ca.gov/selfhelp/smallclaims

SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

| Business Type: | Sole Proprietorship (Only 1 owner) | Partnership | Landlord | Corporation, Association | Limited Liability Company (LLC) Limited Liability Partnership (LLP) Limited Partnership (LP) | Unknown Business Type |
|--|---|---|---|--|---|---|
| Serve: | The owner | If you are suing a partnership , serve one of the partners. If you are suing a partnership and the partners, serve each partner. | The property owner or manager (Read Civil Code sections 1962-1962.7) | Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary, treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager | Agent for service listed with Secretary of State To serve a limited partnership, you can also serve the general partner | Someone who seems to be in charge of the business during normal business hours |
| Write on your Proof of Service form: | <ul style="list-style-type: none"> Business name Owner's name and job title | <ul style="list-style-type: none"> Partnership name Name of partner, general manager, or agent for service and job title | <ul style="list-style-type: none"> Business name (if there is one) Owner's name and job title | <ul style="list-style-type: none"> Corporation name Name of corporate officer or agent for service and job title | <ul style="list-style-type: none"> Company or partnership name Name of agent or partner for service and job title | <ul style="list-style-type: none"> Business name, form unknown Owner's name and job title (if you know it) |
| Check that you have the exact names of the owner and business with: | <ul style="list-style-type: none"> County Clerk-Recorder's or County Tax Assessor's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: www.csac.counties.org. City Clerk's Office (Ask to see the business license.) Your city's Web site may have this information. | | County Tax Collector | Search under Corporation, LP and LLC at the California Secretary of State Web site: www.ss.ca.gov/business Or call: 1-916-657-5448 County Clerk-Recorder's Office: (Ask to see the fictitious business name statement.) Your county's Web site may have this information. OR City Clerk's Office: (Ask to see the business license.) Your city's Web site may have this information. | | Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship. |

Need help?
 For free help, contact your county's Small Claims Advisor:
 [space for local info here]

Or, go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

SC-104C

How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the public agency and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

| | City, County, or Public Entity | State of California, State Agency | Federal Agency |
|---|---|---|---|
| <p>Serve:</p> | <p>City or county clerk, chief officer or director of public agency or agent authorized to accept service</p> | <p>Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814</p> <p>Exception: if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814</p> | <p>You cannot sue a federal agency in small claims court.</p> |
| <p>Write on your Proof of Service form:</p> | <p>Important! Before you sue, you must first file a claim with the public entity. Contact it and ask for the claim procedures.</p> | <p>Note: Before you sue, you must first file a claim with the state or the state agency. To file a claim, see: www.boc.ca.gov/govclms.htm Or call: 1-800-955-0045</p> | |
| <p>Check that you have the exact names of the agency and agent for service with:</p> | <ul style="list-style-type: none"> Name of city, county or public entity Name of city clerk, county clerk, chief officer, or agent for service and job title <p>Call the city or county clerk. See the government pages of your phone book Or search under the California Roster at the California Secretary of State Web site www.ss.ca.gov/executive</p> | <ul style="list-style-type: none"> Name of the agency you are suing Name of agent for service | |
| <p>Need help? For free help, contact your county's Small Claims Advisor: [space for local info here]</p> <p>Or, go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims</p> | <p>Call the agency to confirm the name and address for service. Use the State Directory: 1-800-807-6755 Or search: www.cofd.ca.gov under "agency information"</p> | | |



Need help?

For free help, contact your county's Small Claims Advisor:

[space for local info here]

Or, go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

This form is used to tell the court you are authorized to appear for a plaintiff or defendant in a small claims case. You may also use this form to ask the court for permission to help a plaintiff or defendant who cannot properly speak for himself or herself.

You cannot appear for a defendant or plaintiff if your only job is to represent him or her in small claims court. If you are a lawyer, you can appear only as authorized by section 116.530 of the Code of Civil Procedure.

Fill out ①–④ on this page, then file it with the small claims clerk at or before the trial.

① **List the name, address, and position of the person appearing:**

Name: _____

Address: _____

Job title or relationship to the defendant or plaintiff you want to appear for: _____

② **Who are you appearing for?**

A defendant in this case (*name*): _____

A plaintiff in this case (*name*): _____

③ **Tell us about the defendant or plaintiff you are appearing for.**

I am appearing for a (*check one*):

Corporation and I am an employee, officer, or director of that corporation.

Partnership and I am an employee, officer, director, or partner of that partnership.

Other business (not a corporation, partnership, or sole proprietorship) and I am an employee, officer, or director of that business.

Government agency or other public entity and I am an employee, officer, or director of that agency or entity.

Sole proprietorship and I am an employee of that business. I am qualified to testify about business records made in the regular course of business at or near the time of the event. The content of the business records is the only issue in this case. (*Evidence Code, § 1271*).

Plaintiff who was assigned to out-of-state active duty in the U.S. armed forces for more than 6 months after filing this claim. I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.

Defendant or plaintiff who is in a jail, a prison, or another detention facility now. I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.

Owner of rental property in California who employs me as a property agent. This claim is about the rental property I manage.

Association created to manage a common interest development and I am an agent, management company representative, or bookkeeper for that association.

Husband or wife and my spouse and I are both listed on this claim and agree that either spouse can appear for the other.

Other (explain): _____

④ **I declare under penalty of perjury under California state law that the information above is true and correct.**

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of _____

Fill in your case number and case name below:

Case Number: _____

Case Name: _____

Clerk stamps here when form is filed.

See instructions on other side.

① My name is: _____

Mailing address: _____

Phone: _____

I am a (*check one*): plaintiff defendant in this case.② My trial is now scheduled for (*date*): _____③ I ask the court to postpone my trial until (*approximate date*):
_____④ I am asking for this postponement because (*explain*): If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top._____

⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.

 If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 5" at the top._____
_____⑥ **Has your claim been served by a method allowed by law?** (See form SC-104B, *What Is "Proof of Service"?*, for information about how the claim can be served. Check and complete all that apply): If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 6" at the top.a. No. I am a defendant and have not filed a claim in this case.b. Yes. The parties listed below have been served:(1) _____, who lives in: _____, was served on: _____
name county date(2) _____, who lives in: _____, was served on: _____
*name county date*c. No. The parties listed below have not been served (*list names*):

(1) _____ (2) _____

d. I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (*list names*):

(1) _____ (2) _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

*Type or print your name*_____
Sign here

Instructions for Form SC-150, Request to Postpone Trial

(This page is *not* part of Form SC-150 and does not need to be copied, served, or filed.)

Who can use this form?

- Anyone who filed a small claims case and wants to postpone or reschedule the trial for any good reason, including because he or she has not served all of the defendants
- Anyone who was sued in a small claims case and wants to postpone or reschedule the trial for any good reason

Do I have to use this form?

No. You may write a letter instead of using this form. Your letter should explain why you want to change your court date and include the other information that is requested on this form.

How do I ask for a postponement?

- Fill out Form SC-150, *Request to Postpone Trial*, (on the other side of these instructions), or write a letter that includes the information requested on this form.
- Have all other parties in your case served with a copy of your request. You may serve by mail or in person. Use Form SC-104, *Proof of Service*, or Form SC-112A, *Proof of Service by Mail*.
- File your request and the completed *Proof of Service* with the small claims court clerk. You may have to pay a \$10 fee, depending on when (or if) the claim was served. If you cannot afford to pay a required fee, see Form FW-001-INFO, *Information Sheet on Waiver of Superior Court Fees and Costs*.

How will I know the court's decision?

If the court postpones the trial, the court will mail a notice with the new hearing date to all plaintiffs and defendants in this case.

If the court does not postpone the trial, the trial will be on the date when it is currently scheduled. The court will notify the person who filed the *Request*.

If you do not hear from the court, you should go to court on the scheduled trial date.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps here when form is filed.

On (date): _____ (name): _____
 filed a request to postpone the trial in this case.

The court orders:

① **The Request to Postpone Trial is approved, and the court orders** the trial is postponed as indicated in ③.

② **The Request to Postpone Trial is denied because:**

- a. The Request did not include a good reason for the postponement.
- b. The Request was not filed at least 10 days before the hearing and did not include a good reason for the late request.
- c. The required \$10 filing fee was not paid.
- d. Other: _____

Continued on Attachment SC-152, item 2(d).

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

③ **The trial will be held as follows:**

**Trial
Date** →

_____ Time: _____ Dept. _____

Name and address of court if different than address above:



Request for Accommodations Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

④ **The clerk will mail a copy of this order to:**

- a. The person who asked for the postponement.
- b. All plaintiffs and defendants at the addresses listed in the court's records.

Date: _____

 Judicial officer



Need help?

For free help, contact your county's small claims advisor:
 {local info here}

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

| | |
|---|--------------------|
| PARTY (Name and address): TELEPHONE NO. (Optional): E-MAIL ADDRESS (Optional): FAX NO. (Optional): | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PLAINTIFF: DEFENDANT: | |
| REQUEST TO AMEND PARTY NAME BEFORE HEARING (SMALL CLAIMS) | CASE NUMBER: |
| <p style="text-align: center;">IMPORTANT NOTICES</p> <p>A copy of this request must be mailed or personally delivered to each of the other parties in this case if your claim has already been served. File the original request with the court and keep a copy.</p> <p>If your claim has not yet been served, you should not file this form. File and serve an "amended" claim to correct the parties' names (form SC-100 or SC-120) instead. Or dismiss your claim and start over by filing a new claim if the statute of limitations on your claim has not run out.</p> <p>A decision on your request to amend your claim will be made at the hearing. The judge can grant or deny your request or continue the hearing.</p> | |

REQUEST

1. I am the plaintiff defendant in this case.

2. I request that my small claims claim be changed to amend parties' names as follows (*explain*):

3. a. A copy of this request was mailed personally delivered to each of the other parties in this case on (date): _____ at the following address (*specify name and address*): _____

b. (*Optional*) Each of the other parties was also notified of this request by telephone e-mail fax on (date): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE)

First, read the court's decisions on Form SC-200, *Notice of Entry of Judgment*. It will tell you the court's judgment in this case. **Then read this form.** It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you Form SC-200, *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You can:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment* was handed or mailed to you, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See Form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to the small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 2)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.

Important! The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

(Continued on page 2)

If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to the trial, you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment*, within 30 days* after the *Notice of Entry of Judgment and Declaration* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

**Exception:* If the claim against you was not properly served, you have 180 days from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the *Notice of Entry of Judgment*.

Warning! If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

JUDGMENT CREDITOR (the person or business who won the case) (name):

JUDGMENT DEBTOR (the person or business who lost the case and owes money) (name):

SMALL CLAIMS CASE NO.:

NOTICE TO JUDGMENT DEBTOR: You *must* (1) pay the judgment or (2) appeal or (3) file a motion to vacate. If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.

AVISO AL DEUDOR POR FALLO JUDICIAL: Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad. Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.

INSTRUCTIONS

The small claims court has ruled that you owe money to the judgment creditor.

1. You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
 - a. If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130 or SC-200) was mailed or handed to you by the clerk.
 - b. If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. The judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
2. Unless you **pay the judgment or appeal the judgment or file a motion to vacate**, you must fill out this form and mail it to **the person who won the case** within **30 days** after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk. Mailing this completed form does not stay enforcement of the judgment.
3. If you lose your appeal or motion to vacate, you must pay the judgment, including postjudgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
4. Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

- a. (Corporation or partnership) Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.
- b. (Governmental agency) Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

JUDGMENT DEBTOR'S STATEMENT OF ASSETS

EMPLOYMENT

1. What are your sources of income and occupation? (Provide job title and name of division or office in which you work.)
2. a. Name and address of your business or employer (include address of your payroll or human resources department, if different):

b. If not employed, names and addresses of all sources of income (specify):
3. How often are you paid?
 daily every two weeks monthly
 weekly twice a month other (explain):
4. What is your gross pay each pay period? \$
5. What is your take-home pay each pay period? \$
6. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (specify):

CASH, BANK DEPOSITS

7. How much money do you have in cash? \$
 8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

| Name and address of financial institution | Account number | Individual or joint? | Balance |
|---|----------------|----------------------|---------|
| a. | | | \$ |
| b. | | | \$ |
| c. | | | \$ |

PROPERTY

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

| Make and year | License and vehicle identification (VIN) numbers | Value | Legal owner if different from registered owner | Amount owed |
|---------------|--|-------|--|-------------|
| a. | | \$ | | \$ |
| b. | | \$ | | \$ |
| c. | | \$ | | \$ |
| d. | | \$ | | \$ |

10. List all real estate owned in your name or jointly:

| Address of real estate | Fair market value | Amount owed |
|------------------------|-------------------|-------------|
| a. | \$ | \$ |
| b. | \$ | \$ |

OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

| Description | Value | Address where property is located |
|-------------|-------|-----------------------------------|
| a. | \$ | |
| b. | \$ | |
| c. | \$ | |

12. Is anyone holding assets for you? Yes. No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days? Yes. No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ _____, beginning on (*date*): _____. If you are unable to agree, you may also ask the court for permission to make installment payments by filing a *Request to Make Payments* (form SC-220).

15. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) (SIGNATURE)

Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.

