

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
CIVIL SELF-HELP CENTER
3055 Cleveland Avenue
Santa Rosa, CA 95403
(707) 521-6534**

**Information about the Self-Help Center is located at:
<http://sonoma.courts.ca.gov/self-help/civil-self-help-center>**

Information for the Plaintiff (defendant) SC-100-INFO
 Defendant’s Claim and Order to Plaintiff SC -120
 Attachment to SC-100: Other Plaintiffs or Defendants SC-120A
 What is a “Proof of Service” SC-104B
 Proof of Service (Small Claims) SC-104
 Attachment to SC104: Proof of Mailing after Substituted Service SC-104A
 (Additional forms may be required depending on the circumstances of your case)

MEDIATION

Many disputes can be resolved by using other dispute resolution methods, such as mediation. Mediation is a procedure for resolving disputes informally; a third party (a mediator) helps the parties arrive at their own solution. Unlike a judge, a mediator doesn't issue a decision. One advantage of the mediation process is that it attempts to restore the relationship between the parties. While only some disputes can be resolved through mediation (since both parties must agree to the results), consider whether your dispute can be resolved that way. Disputes involving neighbors and family members are particularly well suited for mediation because of the relationship between the parties. If you decide that mediation might resolve the dispute, you should call RE COURSE Mediation Services, 520 Mendocino Avenue, Suite #225 Santa Rosa, CA 95401 at (707) 525-8545.

WHAT DO I NEED TO FILE A DEFENDANT’S CLAIM?

1. **DEFENDANT’S CLAIM AND ORDER TO PLAINTIFF (SC-120).** Fill out the form completely and make two copies.

2. FILING FEE

If Amount owed is:

- Less than or equal to \$1,500 \$30
- Greater than \$1,500 but less than or equal to \$5,000 \$50
- Greater than \$5,000 but less than or equal to \$12,500 (Natural persons only) \$75
- If more than 12 claims have been filed in the previous 12 months \$100

If Amending Claim, the amount owed is:

- Raising claim from less or equal to \$ 1,500 to over \$ 1,500 but less than \$ 5,000 \$20
- Raising claim from over \$ 1,500 but less than \$ 5,000 to
over \$ 5,000 but less than \$ 12,500 (Natural persons only) \$25
- Raising claim from less than \$ 1,500 to over \$ 5,000 but less than \$ 12,500 \$45
(Natural persons only)

3. **STAMPED, SELF-ADDRESSED ENVELOPE (SASE).** You may mail in your completed Defendant's Claim along with two copies and the filing fee. You may drop off the Defendant's Claim, the filing fee and two copies, along with a stamped, self-addressed envelope, in the drop box at Civil and Family Courthouse located at 3055 Cleveland Ave Santa Rosa, CA 95403. Or, you may file your Defendant's Claim at one of the Small Claims windows in the Civil Division at the same location.

A CORPORATION may appear and participate in a small claims action only through a regular employee, or a duly appointed or elected officer or director, who is employed for purposes other than solely representing the corporation in Small Claims Court.

A PARTY WHO IS NEITHER A CORPORATION NOR A NATURAL PERSON may appear and participate in a small claims action only through a regular employee or a duly appointed or elected officer or director. In the case of a partnership, a partner engaged for purposes other than solely representing the party in Small Claims Court may participate.

SUING A BUSINESS OR CORPORATION

If plaintiff is a corporation, you may only serve certain persons such as the registered agent for service of process or a corporate officer. In order to determine who you must serve, you may need to check one or more of the following resources:

- The fictitious business name desk at the County Clerk's Office (if the person or business is required to register), 585 Fiscal Dr. Suite 103, Santa Rosa;
- The business license desk of the city in which the business is located if that city requires a business license;
- Secretary of State to obtain corporate status, including the name of the registered Agent for Service of Process (see list of Web sites below);
- Other state agencies if the business requires a special license to operate (see list of Web sites below);

For additional suggestions, contact the Civil Self-Help Center.

HELPFUL WEB SITES

Small Claims Court Information:

<http://www.courts.ca.gov/selfhelp-smallclaims.htm>

Small Claims forms:

<http://www.courts.ca.gov/1017.htm>

Secretary of State:

<http://www.sos.ca.gov/business/be/> (select Business Search from the menu)

California Contractors State License Board:

www.cslb.ca.gov

California Department of Real Estate:

www.dre.ca.gov (select Licensees and then Licensee Status from the menu)

California Department of Consumer Affairs/Publications:

<http://www.dca.ca.gov/>

Sonoma County Superior Court (local forms, rules, and information):

<http://sonoma.courts.ca.gov/>

TIME FOR SERVICE

You normally must serve the plaintiff(s) with the Defendant's Claim at least five (5) days prior to the trial date.

REQUESTS FOR POSTPONEMENT AND RESCHEDULING

Any party may submit a typewritten request for postponement of a hearing date [**REQUEST FOR RESCHEDULING (SC-150) and ORDER ON REQUEST TO POSTPONE TRIAL (SC-152)**] at least ten (10) calendar days prior to the scheduled appearance date. The request must be served on all involved parties, a proof of service (under penalty of perjury) completed and a non-refundable \$10.00 rescheduling fee paid. **FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE REQUEST BEING RETURNED BY THE CLERK'S OFFICE.** (**NOTE: Payment of the rescheduling fee does not guarantee that the case will be continued. All continuances are subject to approval by the Judge.)

SATISFACTION OF JUDGMENT [Code of Civil Procedure §116.850(b)]

The judgment creditor shall file an "Acknowledgment of Satisfaction of Judgment" with the court immediately upon payment of the judgment. If the creditor fails to file an "Acknowledgment of Satisfaction of Judgment" he/she can be held responsible for all damages sustained by the debtor, his/her grantees or heirs by reason of such failure.