

**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:

Information for the Plaintiff SC-100-INFO
 Plaintiff's Claim and Order to Go to Small Claims Court..... SC-100
 Attachment to SC-100: Other Plaintiffs or Defendants SC-100A
 What is a "Proof of Service" SC-104B
 Proof of Service (Small Claims)..... SC-104
 Attachment to SC-104: Proof of Mailing After Substituted Service SC-104A
 (Additional forms may be required depending on the circumstances of your case)

IS SMALL CLAIMS COURT YOUR BEST OPTION?

Before filing a small claims case, it's important to decide whether small claims court is the best place to resolve your dispute. 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 (rather than small claims court) might resolve the dispute, you should call RECOURSE Mediation Services, 2455 Bennett Valley Road, Suite B107, Santa Rosa, CA 95404 at (707) 525-8545.

If you decide to file a small claims court case, be prepared to devote some time and effort to it. This includes preparing for the hearing, gathering evidence, meeting with witnesses, and attending the hearing. You also may need to take action and spend money to enforce any judgment.

WHAT DO I NEED TO START A SMALL CLAIMS ACTION?

1. **PLAINTIFF'S CLAIM AND ORDER TO GO TO SMALL CLAIMS COURT (SC-100).** Fill out the form completely and make two (2) copies of all six pages, be sure to copy the back side of the form as well.

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 person 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 claim along with two copies and the filing fee. You may drop off the 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.

SUING A BUSINESS OR CORPORATION

When suing a business or corporation it is **extremely important** that you use the defendant's exact legal name. Also, if defendant 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. For additional suggestions, contact the Small Claims Legal Adviser.

- The fictitious business name desk at the County Clerk's Office (if the person or business is required to register), 2300 County Center Drive, Suite B177, 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);

HELPFUL WEB SITES

Small Claims Court and Small Claims Adviser 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/>

EXAMPLES OF WAYS TO DESIGNATE THE DEFENDANT

1. AN INDIVIDUAL: John Doe
123 Cherry Tree Lane
Any City, CA 95000
2. TWO OR MORE INDIVIDUALS: John Doe and Mary Roe
123 Cherry Tree Lane
Any City, CA 95000
3. A SOLE PROPRIETOR: John Doe individually and doing business as Roe's Stoves
123 Cherry Tree Lane
Any City, CA 95000
4. A PARTNERSHIP: John Doe and Mary Roe **each** individually and doing business as R & D Stoves
123 Cherry Tree Land
Any City, CA 95000
5. A CORPORATION: Doe's Stoves, Inc
123 Cherry Tree Lane
Any City, CA 95000
6. A MINOR: John Doe, Jr., a minor
John Doe, Sr., guardian
123 Cherry Tree Lane
Any City, CA 95000

TRIAL

If the defendant resides in Sonoma County, the case will be scheduled for hearing between 30 and 70 days from the date of filing the claim. The hearing will be scheduled before a temporary judge (an attorney appointed to hear these matters).

REQUESTS FOR POSTPONEMENT AND RESCHEDULING

Any party may submit a written request for postponement of a hearing date [**REQUEST TO POSTPONE SMALL CLAIMS HEARING (SC-150) and ORDER ON REQUEST TO POSTPONE SMALL CLAIMS HEARING (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 if parties have been served. **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 **must** file an "Acknowledgment of Satisfaction of Judgment" with the court immediately upon payment of the judgment. If the creditor fails to file an "Acknowledgment 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.