

CLALLAM COUNTY DISTRICT COURT I
223 EAST 4TH STREET – SUITE 10
PORT ANGELES, WA 98362-3015
(360)417-2560

IN THE SMALL CLAIMS DEPARTMENT
INSTRUCTIONS FOR FILING SMALL CLAIMS

1. READ ALL INSTRUCTIONS CAREFULLY BEFORE BEGINNING.
2. FILL IN ALL AREAS INDICATED ON THE APPLICATION FOR SMALL CLAIMS SUIT FORM.
3. GIVE THE APPLICATION FOR SMALL CLAIMS SUIT FORM TO THE CLERK ASSISTING YOU. IF YOU LIVE OUT OF THE COUNTY, THIS MAY BE ACCOMPLISHED BY MAILING THE FORM TO THE COURT ALONG WITH A SELF-ADDRESSED, STAMPED LEGAL SIZE ENVELOPE, SO WE CAN RETURN THE CLAIM AND NOTICE OF CLAIM TO YOU.
4. THE CLAIM AND NOTICE OF CLAIM FORM MUST HAVE THE CERTIFICATION AND DECLARATION SECTION FILLED IN AND SIGNED BY THE PLAINTIFF FOR THE FORM TO BE COMPLETE. GIVE THE COMPLETED FORM, WITH YOUR \$29.00 FILING FEE IN THE FORM OF A CHECK OR MONEY ORDER MADE PAYABLE TO CLALLAM COUNTY DISTRICT I COURT, TO THE CLERK ASSISTING YOU. IF YOU LIVE OUT OF THE COUNTY, THIS MAY ALSO BE ACCOMPLISHED BY MAILING THE FORM AND FILING FEE TO THE COURT ALONG WITH A SELF-ADDRESSED STAMPED LEGAL SIZE ENVELOPE SO WE CAN RETURN YOUR COPY AND THE SERVICE COPY TO YOU. IF AN ENVELOPE AND CHECK DO NOT ACCOMPANY YOUR CLAIM, IT WILL BE REJECTED AND RETURNED TO YOU.
5. WHEN YOU RECEIVE YOUR COPIES, YOU MUST HAVE THE CLAIM SERVED ON THE DEFENDANT(S). (See instruction package for methods of service).

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT THE COURT. HOWEVER, PLEASE BE ADVISED THE COURT CLERKS CANNOT GIVE YOU ANY LEGAL ADVICE AND HAVE BEEN SPECIFICALLY ORDERED NOT TO BY THE COURT.

BEFORE STARTING, MAKE SURE YOU HAVE THOROUGHLY READ ALL ATTACHED INSTRUCTIONS.

THANK YOU.

CLALLAM COUNTY DISTRICT COURT I
LOCAL RULE 96-2
MANDATORY MEDIATION FOR SMALL CLAIMS COURT

Mediation is strongly encouraged before a trial is allowed in Small Claims Court. The court will set the date for mediation at the time of filing. Both parties must attend the mediation or formally opt-out. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear or formally opt-out, their answer, if one was filed, may be stricken and default judgment entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation.

CLALLAM COUNTY DISTRICT COURT I, SMALL CLAIMS DEPARTMENT

GENERAL INFORMATION FOR SMALL CLAIMS COURT

The Small Claims Court is a department of the District Court authorized under Chapter 12.40 RCW and is available for the recovery of money only where the claim is less than **\$5,000.00**. It has jurisdiction only when the defendant is a resident of the county, except that claims arising out of automobile accidents may be brought in the county where the accident occurred no matter where the defendant lives in the state. (See abbreviated rules for non-state residents and corporations). Small Claims Court may NOT be used to recover personal property or require a defendant to perform contracts, except where the contract requires the payment of money only.

The person who brings the claim is called the "*plaintiff*". The person who is sued is called the "*defendant*". A small claims action is between plaintiff and defendant, who may consist of multiple parties. No attorney is allowed to participate in any manner without court consent.

FILING A CLAIM

The form to start a small claims action is provided by the court and must be signed by the real claimant (*not someone on behalf of the plaintiff*). Court clerks may assist you in the procedures required but are not qualified and are forbidden by law from giving legal advice. They also are instructed not to attempt to predict how the court might rule in your case. Please **DO NOT ASK THEM FOR SUCH ADVICE**. The claim must state in brief and concise form:

- 1) the nature of or basis of the claim;
- 2) the amount claimed;
- 3) when the claim accrued (came into existence)

It is not enough merely to state that the defendant "*owes money*". Some sample basis of claim descriptions are attached to this information.

It is the responsibility of the plaintiff to identify the defendant accurately. The defendant must be either a person, or statutory entity. Many businesses are operated under assumed names and are not incorporated. The plaintiff must determine who the person or persons are who own a non-corporate business and sue the person or persons, not the business.

It is the responsibility of the plaintiff to furnish an accurate address for the defendant.

The plaintiff must pay a \$29.00 filing fee when the claim is filed.

After the claim is filed, the clerk will fill in the date for first appearance of the defendant, and will give two copies of the claim and notice to the plaintiff, one for the plaintiff's records, and the other to be served upon the defendant. In the case of multiple defendants, additional copies for service on the additional defendants will be provided.

SERVICE OF THE CLAIM AND NOTICE

The plaintiff **MAY NOT** serve the notice and claim upon the defendant. The claim and notice may be served either:

- 1) by the county sheriff;
- 2) by a process server;
- 3) by a person over the age of 18 years not connected with the claim or related to you;
- 4) by registered or certified mail if a return receipt with the signature of the party being served is filed with the court.

COLLECTION OF THE JUDGMENT

THE SMALL CLAIMS COURT DOES NOT COLLECT THE JUDGMENT FOR YOU. If you are awarded a judgment and the defendant does not pay the judgment within thirty days, or such a greater time as is set by the court, you may request that the judgment be transferred to the civil judgment docket for District Court, and you may then proceed with any method authorized by statute to execute upon property or wages of the defendant. Remember, the clerks cannot advise you how to execute upon the judgment. The District Court does not furnish any forms for that purpose.

You may also obtain a transcript of the District Court Judgment from the clerk for \$20.00 and file it with the Superior Court clerk, upon payment of \$20.00, which will automatically impose a lien upon any real estate owned by the defendant.

APPEALS FROM SMALL CLAIMS COURT JUDGMENTS

A plaintiff CANNOT appeal from the judgment of the small claims court judge where the amount requested was less than \$1,000.00. Neither party may appeal from the judgment if the claim was for less than \$250.00. Any appeal must be perfected within 30 days after judgment is rendered or decision made.

ABBREVIATED VENUE RULES

The complete regulations for the correct county in which to file a civil action can be found in the Revised Code of Washington. What is set forth here is an abbreviated list of the more common types of venue requirements:

An action may be filed:

- 1) In the county in which a defendant resides, for damages or money claims.
- 2) For automobile accident cases, either in the county in which the defendant resides, or the county where the accident happened.
- 3) As to a non-resident of the State of Washington, either in the county where the defendant can be served or the plaintiff resides, or where the subject matter of the action arose.

- 4) As to the corporation, in any county where the corporation transacts business or where an officer authorized to be served resides. (Refer to the Revised Code of Washington.)

EXAMPLES OF BASIS OF CLAIM ALLEGATIONS

A. LANDLORD/TENANT

- 1) Defendant fails to pay agreed rent for use of plaintiff's property.
- 2) Defendant damaged plaintiff's property while it was rented to defendant.
- 3) Defendant moved out of plaintiff's property and left it in a dirty condition.
- 4) Defendant failed to return a damage or security deposit to plaintiff.

B. DAMAGE ACTION

- 1) Defendant negligently (*or intentionally*) damaged plaintiff's car, boat, house, other?.

C. BREACH OF CONTRACT

- 1) Defendant failed to deliver goods or services (*detail*) after plaintiff paid for them.
- 2) Defendant failed to deliver goods or services (*detail*) after promising to do so.
- 3) Defendant delivered and was paid for goods or services (*detail*) which were defective as follows: (*detail*)
- 4) Defendant failed to pay in full for goods or services (*detail*) delivered by plaintiff at defendant's request.

D. MISCELLANEOUS

- 1) Defendant delivered check to plaintiff for money owed plaintiff, which check was dishonored (*not paid*) when presented (*cash*ed).
- 2) Defendant failed to pay back money plaintiff loaned defendant.
- 3) Defendant unlawfully took or kept property belonging to plaintiff (*detail*) with a fair market value of \$ _____.

IT IS THE RESPONSIBILITY OF THE PERSON FILING
THE SUIT TO SUBMIT PROOF OF SERVICE TO THE
COURT **BEFORE** THE COURT DATE. MAKE SURE
THE COURT CASE NUMBER IS ON THE PROOF OF
SERVICE.
THANK YOU.

HEARING PROCEDURE

FIRST APPEARANCE

- (1) If the plaintiff and defendant both appear on the assigned appearance date, the case will be assigned for mediation. (If mediation has been waived skip to second hearing.) If an agreement is reached, the case may be concluded. If a trial is necessary, the judge will inquire as to the nature of the claims, the number of witnesses and exhibits anticipated, and the amount of time expected to present testimony and evidence. The judge may also suggest what evidence might be helpful to the court in reaching a just decision. The judge will then assign a date and time for trial.
- (2) If the defendant fails to appear, and if service has been properly and timely made, the plaintiff will be granted a judgment against the defendant up to the amount claimed, if the plaintiff's testimony supports the claim.
- (3) If the plaintiff fails to appear, the case will be dismissed without prejudice, but if the defendant has filed a written counterclaim against the plaintiff and served a copy of it on the plaintiff, the defendant may be allowed judgment against plaintiff on the counterclaim.
- (4) If neither party appears, the case will be dismissed without prejudice.

SECOND HEARING

At this hearing, the plaintiff and defendant will testify and call witnesses to testify, and present exhibits for the court to consider. Although the small claims judge has the authority to seek out evidence on his own, this is seldom done, and the court usually relies on the evidence produced by the parties. As trials are not always held at District Court, come early and check in with the clerk so you can be directed to the location of the trial.

The same rules apply at this hearing that applied at the first appearance hearing if parties fail to appear for the hearing.

The term "*appears*" means personal appearance of the party involved, except for the first appearance where an employee or agent (*not an attorney*) may appear if the employee or agent knows facts sufficient about the claim or defense to discuss the case intelligently, and is authorized to bind the party represented. Personal appearance of a party is always more desirable, however, because the case may be able to be settled through mediation at the first appearance if both parties personally appear.

CONTINUANCES

Occasionally it is necessary for a case to be continued (*postponed*). Requests for continuance must be made in writing, detail the reason for the request, be signed by the party requesting it, and be served (*delivered*) to the other party as well as filed with the clerk at least five (5) days in advance of the scheduled hearing date (*except in life threatening or similar emergency*). You must ask for the continuance as soon as facts requiring the continuance become known to you. The request may not be granted, so check with the clerk for the court decision on the request.

CLALLAM COUNTY DISTRICT COURT I

APPLICATION FOR SMALL CLAIMS SUIT

NAME OF PERSON(S) MAKING CLAIM (PLAINTIFF(S))

COMPLETE ADDRESS

() _____
TELEPHONE

NAME OF PERSON(S) OWING DEBT (DEFENDANT(S))

COMPLETE ADDRESS

() _____
TELEPHONE

DATE INDEBTEDNESS INCURRED

AMOUNT OWED

REASON FOR INDEBTEDNESS: _____
