

CLALLAM COUNTY DISTRICT COURT II
502 East Division St
Forks, WA 98331
360-374-6383

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 \$50.00 FILING FEE IN THE FORM OF A CHECK OR MONEY ORDER MADE PAYABLE TO CLALLAM COUNTY DISTRICT COURT II, 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 II, 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 **\$10,000.00**. 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 \$50.00 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.

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 \$ _____.

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 II

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

PLEASE EXPLAIN THE REASON FOR INDEBTEDNESS IN DETAIL:
