

PIERCE COUNTY DISTRICT COURT

Civil/Infraction Division

1902 96th Street South

Tacoma, WA 98444

www.piercecountywa.org/districtct

SMALL CLAIMS INFORMATION

A Small Claims case can be filed for the recovery of money only. This amount cannot exceed \$5,000.

LEGAL ADVICE

The clerk will assist you with procedures but is not permitted to give you legal advice about your case. The clerk does not know how the judge will rule in any given situation. The clerk will provide you with the necessary forms to start your case but is not allowed to complete the forms for you.

While an attorney is not permitted to represent you at the mediation or trial of a Small Claims action, s/he may provide you with assistance in preparing your case and/or collecting any judgment which may be obtained. Depending upon your experience and the nature of your case, it may be advisable to seek the assistance of an attorney. A Plaintiff corporation may not be represented by an attorney or a legal paraprofessional per RCW 12.40.080.

BE ADVISED – If a judgment is awarded, the Court does not collect the money.

FILING A CLAIM

To start a Small Claims case you (plaintiff) must file the case in the district where the party you wish to sue (defendant) resides or, in the case of a business (defendant), where the business is located. If the case is the result of a traffic accident, the case may be filed in the district where the accident occurred.

Plaintiff must be 18 years or older. The filing fee of \$39.00 is payable by cash, VISA or MASTERCARD. No personal checks are allowed. No filing is allowed by mail. The claim form must be presented in person to the clerk.

The Plaintiff must correctly identify the Defendant, i.e. individual, sole proprietorship, partnership, corporation, etc. If the Defendant is not correctly named, judgment may not be granted. Filing fees are not refundable. Plaintiff must designate the

proper residence address of the Defendant, and if possible, the telephone number.

The Plaintiff must also specify the total amount of money the Defendant owes, the date the money became due, and the reason the money is owed. Interest amount, if any, must be stated on the claim form at the time of filing. The amount of the claim cannot be increased after the claim is filed.

Three (3) copies of the small claim form must be filed with the Court.

BUSINESSES / CORPORATIONS

If filing a claim on behalf of a privately owned business, the business owner must file the claim and represent the business at all times during the process in court.

If filing a claim on behalf of a corporation, you must file a notarized corporate affidavit authorizing you to represent the corporation in District Court. Corporations may appoint more than one person on the corporate affidavit; but, the person filing the claim should be the person representing the corporation in the court at mediation and trial. **DEFENDANT CORPORATIONS MUST SUBMIT A NOTARIZED CORPORATE AFFIDAVIT.** A sample of this form can be found on the court's website.

SERVICE

It is the responsibility of the Plaintiff to serve the Notice of Small Claim on the Defendant at least ten (10) court days prior to mediation. You (plaintiff) cannot personally serve the claim form on the defendant. This can be accomplished by one of the following methods:

- A Process Service which can be found in the Yellow Pages under **PROCESS SERVER.**
- Any person of legal age (18 years or older) who is not associated with the case in any way.

- By mailing copies to the Defendant by Certified Mail, Return Receipt Requested, restricted delivery. You must file the return receipt bearing the named **DEFENDANT'S** signature with the Court to show proper service and receipts showing the cost of mailing. The return receipt must clearly bear the signature of the Defendant named on the Claim to have proper service. If another person signs for the claim or Defendant refuses to sign, the claim may be dismissed due to improper service.

- After personal service is completed, an Affidavit/Declaration of Service must be signed by the server and filed with the Court. An Affidavit/Declaration of service, states the following:

- The date and time the claim form was served;
- Upon whom it was served;
- The complete address where it was served;
- The name of the person who served the form.

If the Affidavit of Service form is used, the person who completes the service must sign the affidavit before a Notary Public. If the Declaration of Service form is used, a notary is not required. A sample of this form can be found on the court's website.

SETTLEMENT

It is recommended the parties contact each other prior to mediation and attempt to settle the case. If the claim is settled before mediation, the Plaintiff must notify the Court in writing so the case may be dismissed.

COUNTERCLAIM

If you (Defendant) believe the Plaintiff owes you money, you may file a counterclaim. The filing fee is \$39. This must be filed with the Court and served upon the Plaintiff.

MEDIATION

At the time you file the Small Claim, the clerk will set a date and time for a mediation hearing. This hearing will take place with an impartial, third-party mediator. These individuals are private citizens trained and certified as mediators by the Pierce County Center for Dispute Resolution.

At this hearing, both parties must be prepared to prove their case via statements, contracts, estimates, photographs, etc. A presentation of the facts is required for a successful mediation. Your case must complete mediation before it will be set for trial.

NO WITNESSES ARE ALLOWED AT MEDIATION. NO ATTORNEYS ARE ALLOWED TO REPRESENT EITHER PARTY IN A SMALL CLAIM CASE UNLESS APPROVED BY A JUDICIAL OFFICER.

The following are possible results of mediation when both parties are present:

- **STIPULATED JUDGMENT or DISMISSAL**

Participants agree to settle the case or to dismiss the action. The mediator will prepare a Stipulation form that, once signed, legally binds the parties to the terms of the agreement.

- **TRIAL SETTING**

Resolution of the matter cannot be reached and the matter is set for trial at a later date before a District Court Judicial Officer.

If only one party appears at the scheduled time, the following results may occur:

- **DEFAULT JUDGMENT**

If the Defendant fails to appear and the Plaintiff presents sufficient proof of the Claim and proof of proper service and an affidavit regarding military status of defendant, a default judgment will be entered. **DMDC (Defense Manpower Data Center) has a website <https://www.dmdc.osd.mil/scra/owa/home> to help citizens perform checks on a party's military status. If a report is received by the plaintiff, it must be submitted to the court. After waiting one hour, the Clerk will enter a default judgment against the Defendant. If

no proof of service is provided, the Claim may be dismissed.

- **DISMISSAL**

If the Plaintiff fails to appear and the Defendant is present, the Defendant must wait one hour and the Claim will be dismissed with prejudice. If neither party appears, the case will be dismissed without prejudice.

All claims dismissed or defaulted at mediation are reviewed by a Judicial Officer.

TRIAL

The trial is between the Plaintiff and the Defendant. No attorneys are allowed to represent either side, except in certain cases where advance permission is obtained from a Judicial Officer. Both parties must prepare their case and **bring witnesses** and other evidence (documents, photographs, drawings, etc.) to support their claim or defense. Court procedures in case presentation apply. Witnesses must have personal knowledge of the facts about which they are asked to testify. Documentation must be identified and explained by a person with personal knowledge of the facts.

If the Plaintiff is present and the Defendant fails to appear, a default judgment will be entered if sufficient proof is provided.

If the Court orders judgment against the Defendant, or if the Defendant has filed a counterclaim and is granted judgment against the Plaintiff, it is the duty of the losing party to pay without delay.

COLLECTION OF JUDGMENT

The Court does not collect the judgment for you. A money judgment in your favor does not necessarily mean that the money will be paid. If no appeal is taken and the judgment is not paid within 30 days, you may proceed with a method of collection. At this point, once judgment is awarded, you may wish to consult an attorney.

A writ of execution may be issued on cars, boats, or other personal property owned by the judgment debtor. A writ of garnishment may be executed on wages or a bank account of the judgment debtor.

Upon request and payment of \$40.00 the court will certify the judgment to civil status and issue a Transcript. This Transcript must be filed in Superior Court to place a lien

against real property which is located in that county in the name of the judgment debtor. There is a filing fee in Superior Court for this action. All further collections must be in Superior Court.

When the judgment is paid, the judgment creditor must advise the Court in writing that the judgment has been paid. **This is the legal responsibility of the prevailing party.**

APPEAL PROCEDURES

No Appeal is permitted from a judgment where the amount claimed by Appellant was less than \$1,000.

No Appeal is permitted from a judgment where the original amount claimed was less than \$250.

Small claim cases are appealed "de novo" upon the record of the case. The appeal will be heard in Pierce County Superior Court. The following must be completed within **30 days of entry of judgment**:

- Prepare and file written Notice of Appeal. This form is available at District Court.
- Pay: \$20 transcript fee
\$40 appeal preparation fee
\$220 Superior Court filing fee
\$100 appeal bond
- If an appeal bond is posted for twice the amount of the judgment, the appellant may request the Superior Court suspend enforcement of the judgment until after the appeal is heard. The \$100 appeal bond must be paid on all cases whether a judgment or a dismissal was entered.

The fees of \$380 must be paid to District Court at the time the Notice of Appeal is filed. All fees must be paid in cash, cashier's check, VISA or MASTERCARD.

- Serve a copy of the Notice of Appeal on the other party(ies); file the Affidavit or Declaration of Service of the Appeal with District Court.

District Court will file the full original and complete case with Superior Court where it will be assigned a new number and will mail copies to all parties. After the appeal has been filed in Superior Court, appellant should contact Superior Court for further instructions at (253) 798-7455.

PIERCE COUNTY DISTRICT COURT
Civil/Infraction Division
1902 96th Street South
Tacoma, WA 98444
www.piercecountywa.org/districtct

SMALL CLAIM MEDIATION INFORMATION

In an effort to educate the public, help them better prepare their case, foster amicable settlement and allow clerks to predict the length of trials, Pierce County District Court has commenced a Small Claim Mediation Service.

Your case must complete mediation before it will be set for trial. The Mediator is an impartial third party who is a member of the Pierce County Center for Dispute Resolution. The Mediator will hear both sides of the case. At the time stated, you must bring any papers you may need to prove your case or defense (i.e. contracts, rental agreement, damages, estimates, statements, invoices, etc.). No witnesses are allowed at the mediation hearing.

DEFENDANT: If you feel that the plaintiff owes you money, you may file a counterclaim against the plaintiff. A counterclaim must be filed with the Court and served upon the plaintiff. The filing fee for the counterclaim is \$39.00 payable by cash, VISA or Mastercard. Forms are available at the court office located at 1902 96th Street South, Tacoma, WA 98444.

DEFENDANT CORPORATION: Your representative is required to bring the corporate authority in order to represent your company at all proceedings. Please call if you have any questions regarding this requirement. A sample form can be found on the court's website.

PLAINTIFF/DEFENDANT BUSINESS OWNERS: Be advised that your presence is required at all proceedings if you are a sole proprietor of the business.

Both plaintiff and defendant have the right to legal counsel. However, an attorney cannot represent either party at any small claim hearing or trial unless prior permission is obtained from a judicial officer.

If, for some reason, the date set for your hearing is in conflict with your schedule, you must immediately contact the other party and work out a continuance date. Both parties must notify the court without delay. The court will make every effort to schedule a new hearing date that is convenient for both parties and will then notify each side of the new date by mail. If either party does not agree to a continuance, the Court may grant a continuance based upon good cause shown.

If an agreement is reached and your case is settled in mediation, the Mediator will prepare a Stipulation that will legally bind the parties to the terms of the agreement. If your case is not settled in mediation, it will be set for trial.

PLEASE BE ON TIME. If the defendant fails to appear for mediation, a default judgment for the amount claimed may be granted. If the defendant appears and the plaintiff fails to appear for mediation, the case may be dismissed.

**PIERCE COUNTY DISTRICT COURT NO. ONE
CIVIL/INFRACTION DIVISION
1902 96th St. S, Tacoma, WA 98444**

www.piercecountywa.org/districtct

SMALL CLAIMS ACTION AGAINST BUSINESS OR COMPANY

As Plaintiff, you are acting as your own attorney. It is your responsibility to correctly identify the defendant. Your judgment may be denied if you do not identify the business properly and serve the appropriate representative of the business. Your first step is to determine the basic category of the business. Is the company a sole proprietorship, partnership, or corporation?

Determining the category of the business may take a few phone calls. You have several options and the following contacts may help you make that determination:

City of Tacoma

Business Licenses

**747 Market St, Suite 248
Tacoma, WA 98402**

To obtain a detailed listing of the company information, i.e., basic category of the company, board member names and addresses, you must appear in person to complete a “record search”. There is a charge for this service.

State of Washington

Revenue Department

**3315 S 23rd St, #300
Tacoma, WA 98405**

This office can give you some information regarding how the company is listed with the State of Washington. They will be able to tell you if the company is a corporation or who is listed as the owner of the business. They cannot tell you the officers of the corporation or if the business is a sole proprietorship or partnership. The Revenue Department cannot be reached by phone. You must appear in person. You may also go online to the Washington State Department of Revenue and choose “look up a business”.

State of Washington

Secretary of State

Corporation Division

(360) 725-0377 Olympia

This office can give you the names and address of the board members and the current status of the corporation. This is an automated telephone system. You must leave your name, address, telephone number and the corporation name on the phone recorder. You may leave up to three business names on the recorder. They will mail you the information. There is a charge for this service. The website is www.secstate.wa.gov/corps

State of Washington

Business Licenses Services

Department of Licensing

P. O. Box 9034

Olympia, WA 98507-9034

You may also submit your request in writing. You must enclose a self-addressed, stamped envelope. There is also a charge for this service. You may also seek help online at WWW.DOL.WA.GOV.

Once you have determined the category of the business, the defendant should be listed in the following format on your small claims documents:

Sole proprietorship: John Q. Stanley, dba Stanley Automotive

You must serve: John Q. Stanley

Partnership: John Q. Stanley and Richard R. Stanley, dba Stanley and Sons Automotive

You must serve: Either John Q. Stanley or Richard R. Stanley

**Corporation: Stanley and Sons, Inc.
Stanley and Sons Corporation**

**You must serve: the Registered Agent or whoever is authorized to accept
Legal papers on behalf of the corporation**

Revised: 05/09

AFFIDAVIT OF CORPORATE AUTHORITY

As board members/officers of _____, a corporation, I/we hereby authorize(s) the following people to represent the corporation in all matters pertaining to a small claims action in Pierce County District Court, including, but not limited to: filing the Small Claim, mediation hearing, trial, and collection of any judgment rendered.

Printed Name and Title in Corporation

Printed Name and Title in Corporation

Printed Name and Title in Corporation

Date: _____

Signature, Printed Name and Title

Signature, Printed Name and Title

Signature, Printed Name and Title

STATE OF WASHINGTON)

: ss

County of _____)

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public in and for the State of
Washington. Commission expires: _____

**PIERCE COUNTY DISTRICT COURT
1902 96TH STREET SOUTH, TACOMA WA 98444
CIVIL DEPARTMENT**

PLAINTIFF NAME	SMALL CLAIM # _____
ADDRESS	NOTICE OF SMALL CLAIM
CITY STATE ZIP	
DAYTIME PHONE NO.	

1 ST DEFENDANT NAME	2 ND DEFENDANT NAME
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
DAYTIME PHONE NO.	DAYTIME PHONE NO.

CLAIM

I, _____, the undersigned plaintiff, do hereby certify under the penalty of perjury of the laws of the State of Washington, that the defendant named above owes me the sum of \$ _____, which became due and owing on _____.

The amount owed is for:

- | | | |
|--|--------------------------------------|---|
| <input type="checkbox"/> Auto Damages - Date of Accident _____ | <input type="checkbox"/> Wages | <input type="checkbox"/> Loan |
| <input type="checkbox"/> Return of Deposit | <input type="checkbox"/> Rent | <input type="checkbox"/> Property Damage |
| <input type="checkbox"/> Merchandise | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Faulty Workmanship |

Explain reason for claim _____

Issued this Date: _____

 Signature

 Clerk Printed Name/Title

NOTICE TO DEFENDANT

You are hereby directed to appear personally in Pierce County District Court, 1902 96th St S, Tacoma, WA 98444

On _____ Time: _____
 ready for mediation. If you do not appear, judgment may be rendered against you for the amount stated above, and, for the filing of this action (\$39.00), plus costs of service of this notice.

NOTICE TO ALL PARTIES

At the time of mediation, you must have the statements, estimates, contracts, invoices, etc., necessary to establish your claims. **NO WITNESSES ARE ALLOWED AT THE MEDIATION HEARING.**

It is suggested that you contact the other party prior to the mediation date to settle your differences. If this claim is settled prior to the hearing date, plaintiff must notify the Court immediately in writing.

One (1) copy of this form must be filed with the Court.

PIERCE COUNTY DISTRICT COURT
Civil/Infraction Division
1902 96th Street South
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www.piercecountywa.org/districtcrt

SERVICEMEMBERS' CIVIL RELIEF ACT

**Affidavit of Non-Military Service
Required for Default Judgments**

The Servicemembers' Civil Relief Act (50 USC App 521) (SCRA) governs when the servicemember has made no appearance in a civil matter. The Court must determine whether an absent or default party is in the military service. Before entry of a judgment for the plaintiff, the plaintiff must file an affidavit stating whether or not the defendant is in the military service and showing necessary facts in support of the affidavit.

Either party may apply for information to the Department of Defense (DOD) and DOD must issue a statement as to military service. The office of the DOD to contact for information under the SCRA is:

Defense Manpower Data Center
1600 Wilson Blvd., suite 400
Attn: Military Verification
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) has developed a website to help customers perform checks on whether or not a party to a lawsuit is in the armed forces. Information regarding application for access to this website is available from the DMDC.

Website: www.dmdc.osd.mil/scra/owa/home

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Plaintiff(s)

Small Claim No. _____

Vs.

Declaration of Service of
Notice of Small Claim

Defendant(s)

Date of Hearing _____

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington, that the following is true and correct. I am now, and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen years, not a party to or have an interest in the above entitled action and competent to be a witness.

PERSONAL SERVICE – On the date of _____ at _____ am/pm, at the address of _____, City of _____, Washington, I duly served the Notice of Small claim upon _____ by then and there personally delivering a true and correct copy thereof and leaving the same with _____.

RESIDENTIAL SERVICE – On the date of _____ at _____ am/pm, at the address of _____, City of _____, Washington, I duly served the Notice of Small Claim upon _____ By then and there, at the residence and usual place of abode of said person(s), by personally delivering _____ true and correct copy(ies) thereof and leaving the same with _____ being a person of suitable age, discretion and resident therein.

Date: _____

Signature of Server

Printed Name of Server

Fees charged for serving this Notice of Small Claim \$ _____ Receipt attached.