

# SMALL CLAIMS INFORMATION

SPOKANE COUNTY DISTRICT COURT  
BROADWAY CENTRE BUILDING

(509) 477-4770 ext. 8 | Fax (509) 477-6387 | [www.spokanecounty.org/districtcourt](http://www.spokanecounty.org/districtcourt)  
Monday – Friday 8:30am to 4:00pm | Closed Noon – 1pm | New Filings Accepted Until 3:30pm  
721 North Jefferson, Spokane WA 99260 | PO Box 2352, Spokane WA 99210

## ► Who can sue and be sued?

Any individual, sole proprietor, partnership, or corporation (with a couple of exceptions) may bring a Small Claims suit for a **monetary amount, up to \$5,000**. A Small Claims case is generally filed in the county of the defendant's residence.

A lawsuit involving a claim for injuries to a person or property can be brought either where the injury occurred or where the defendant resides. A lawsuit involving unlawful issuance of checks may be brought either where the defendant resides or where the check was issued or presented as payment.

The State of Washington may not be sued in the Small Claims Court. Attorney and paralegals are excluded from representing either party, unless the judge grants permission. You CAN consult an attorney for legal advice.

**It is the plaintiff's responsibility to accurately identify the defendant, (i.e., individual, husband and wife, sole proprietorship, partnership, corporation, etc.) & to provide a proper address &, if possible, a phone number.**

## ► How much does it cost?

The **\$14.00 filing fee (cash or check only)** is required when the suit is filed. There may be addition fees associated with service, depending on which option is chosen. If the case is won, you may be entitled to recover costs of filing and service.

## ► How do I get started?

First, you will complete the Pre-Filing form that is provided by the clerk. You will be required to sign the Notice in the presence of the clerk. On the Notice a trial date will be provided.

**The clerks are not allowed to give legal advice or attempt to predict how the**

## Judge might rule in a given situation.

### ► Serving the Notice

Service of the claim form can be accomplished by any of the following:

1. The Sheriff's Office
2. A process server (found online or in the yellow pages)
3. Any **disinterested 3<sup>rd</sup> party\*** Washington State resident, over the age of 18.
4. By a **disinterested 3<sup>rd</sup> party\*** mailing the copies to the defendant by **registered certified restricted delivery** mail with return receipt requested. However, **if the defendant does not personally sign for the mail, service is not complete & you will need to serve another way.**

\*Anyone who is not connected with the case as either a witness or a party & does not stand to gain financially from the suit.

The defendant can be served personally anywhere in Spokane County.

### ► Service on a business

This will depend on how they are licensed.

**Sole proprietorship** can only be served on the owner.

**Partnerships** require service on each partner.

**Corporations** – In order to obtain service, **you must have the name of the Registered Agent, Corporate President, Office Manager, Managing Agent or their Secretary/Cashier.** Information regarding how a business is licensed may be accessed through the Secretary of State at: (360) 725-0377 or [www.secstate.wa.gov/corps](http://www.secstate.wa.gov/corps).

**The Notice of Small Claim must be served on the defendant not less than ten (10) days before the first hearing.**

The certificate of service (including the signed green card and receipt, if applicable) needs to be returned to the Small Claims Office at least one week prior to your court date.

If you are unable to serve the defendant within the required time, you may **amend for service**, by returning **all copies** you were given to the Small Claims office. At this time, you will be issued new copies & a new court date.

### ► What if we settle?

You are encouraged to try to settle your case before trial. **If you settle the dispute before the hearing, you must inform the court** so the hearing can be canceled and the case closed. If the other party agrees to pay at a later date, you may ask the court for a continuance providing both parties agree. If you have not received your money by the time of the continued hearing, proceed with the case to court. If you drop the suit, your filing fees & service costs are not returned.

### ► Preparing for the trial

Collect all papers, photographs, receipts, estimates, canceled checks, or other documents that concern the case. Witnesses may appear for trial. They must have personal knowledge of the facts about which they are asked to testify. It may be helpful to write down ahead of time the facts of the case in the order they occurred. This will help you organize your thoughts & make a clear presentation of your story to the judge. You may also sit through a Small Claims Court session before the date of your hearing to observe how court works.

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*In compliance with the ADA, persons with disabilities who require accommodations may call the Court (509)477-3661, TDD available.*

► **What happens at the trial?**

When you arrive at the court, report to the court room assigned to your case. Don't be nervous – remember that a trial in Small Claims Court is informal. The judge will ask the plaintiff to give their side first, and then they will ask the defendant for their explanation. Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer to the best of your knowledge.

Be polite – do not interrupt – not just the judge, but also to your opponent. Whatever happens, keep your temper. Good manners and even tempers help the fair, efficient conduct of the trial and make a good impression.

After the judge has heard both sides, he or she will either announce the decision at that time or they may make the decision at a later date. In this event, you will be notified of the result by mail.

► **Exhibits**

Evidence presented in court will be held for the 30-day appeal period. If not appealed, exhibits are available for pick up between 31 and 60 days; after 60 days, they will be destroyed. Please keep these guidelines in mind when preparing your exhibits for trial:

- Use standard 8.5x11in. paper.
- Color images no larger than 4x6in. (multiple may be printed on a standard sheet of paper).
- You must provide copies for yourself & the opposing party; originals will be submitted to the court for the judge.

► **What if the other party fails to appear at the hearing?**

If the defendant fails to appear for trial, the plaintiff will be granted judgment for the amount of the claim and costs, proven in court.

If the plaintiff fails to appear, the claim may be dismissed. However, the plaintiff will generally be allowed to start over, if good cause for their absence is shown.

► **How do I collect my money?**

A judgment in your favor does not necessarily mean that the money will be paid. **The Court does NOT enforce payment of the judgment.**

When a judgment is obtained it will be valid for 10 years from the date of judgment. It is your responsibility to make sure the court is aware of your current address at all times, in the event that we receive payment from the defendant.

If no appeal is taken and the judgment is not paid within 30 days or the time pay period, you may request an **abstract of the judgment.**

- \$20.00, paid in advance
- 3 business days to process
- May be ordered in person at our office, or a request may be mailed along with the fee.
- If you provide a self-addressed, stamped envelope the abstract will be returned to you by mail; otherwise, it will be available for pick up in our office.

You may take your abstract of judgment and file it in Superior Court for a fee.

When this is done, it places a lien against all real estate in the name of the judgment debtor that is located in the county. In the alternative, the abstract may be transferred to a civil case number, where you may proceed with methods of collection as the law allows.

**Remember, the clerks cannot give you legal advice. At this point, you may need assistance from an attorney or collection agency.**

► **What if the judgment is paid in full?**

When the judgment is paid in full by the debtor(s), **you (the plaintiff) must send written notice to the court** to notify that judgment has been satisfied; the case will then be closed. Please be sure to include your case number as well as your signed and printed name on the written notice.

► **Can you appeal a case if you lose?**

The party who filed a claim or counterclaim cannot appeal unless the amount exceeds \$1,000. No party may appeal a judgment where the amount claimed is less than \$250. If the appeal is taken to Superior Court, the appeal will be based upon the record (testimony, exhibits, etc.) of the Small Claims trial.

**New evidence will not be accepted for submission.** The appealing party is required to follow the procedures set out in RCW 12.36. The following steps must be taken within 30 days:

1. Prepare a written Notice of Appeal and file it with District Court. The form is available at the Small Claims office.
2. Serve a copy of that notice on the other parties and file acknowledgment or affidavit of service in District Court.
3. Deposit at the District Court the \$230 Superior Court filing fee either in cash, money order, or cashier's check payable to Spokane County District Court.
4. Post a bond (cash or surety bond made out to Superior Court) in a sum equal to twice the amount of the total judgment, or twice the amount in controversy, whichever is greater, at the Small Claims office.

The District Court has 14 days after the appeal has been filed to prepare the record for transmittal to Superior Court. The appellant is notified in writing when it is complete. **A \$40 appeal preparation fee must be paid within 10 days of the notice that the record is ready for transmittal or the appeal may be dismissed.** The District Court clerk will advise all parties of the new Superior Court number, who must then contact Superior Court for further instructions.