

SMALL CLAIMS APPEALS INSTRUCTIONS

(Revised 06/22/12)

No appeal shall be permitted from a judgment of the small claims department where the amount claims was less than Two-Hundred Fifty Dollars (**\$250.00**) nor shall any appeal be permitted by a party who requested the jurisdiction (plaintiff) of the small claims court where the amount was less then One Thousand Dollars (**\$1,000.00**). (RCW 12.40.120)

A Notice of Appeal to Superior Court must be filed in District Court, and all parties served within 30 days of the entry of judgment. This form is available from the small claims office.

When an appellant has filed a Notice of Appeal, paid all fees and posted the cash or surety bond the clerk of the District Court shall notify all parties and file the case in Superior Court, along with the bond.

FILING FEE AND COSTS

1. The fees are payable in cash, cashiers check or money order including:
 - a. **Filing Fee \$230.00** (Superior Court)
 - b. **Preparation Fee \$40.00** (District Court)
2. **A bond must be posted in a sum equal to twice the amount of judgment and costs, or twice the amount in controversy, whichever is greater** (RCW 12.36.020) so that the appellant will be able to pay any judgment, including costs, as may be rendered on appeal. No bond is required if the appellant is a county, city, town, or school district. The bond must be cash, surety bond, or trust-account check from an attorney only – **NO CHECKS**.
3. The small claims clerk will notify you when the case has been transferred. The court has 14 days to prepare the record and notify the appellant that the record is ready to transfer. If only the bond and filing fee were filed, the appellant has 10 days from the date of the court's notice to pay the \$40.00 fee. Upon payment, the designated record shall be transmitted to Superior Court.

The appeal from a small claims judgment or decision shall be de novo upon the record of the case, as entered by the district court. (RCW 12.36.055)

In all cases of appeal to the Superior Court under this chapter, if the judgment is against the appellant, in whole or in part, such judgment shall be rendered against the appellant and his or her sureties on the bond on appeal. (RCW 12.36.090)

Sec. 9. RCW 12.36.030 & 1929 c58 s 3 - When an appeal and any necessary bond are properly filed in District Court, and the appeal filed in Superior Court pursuant to RCW 12.36.010, the appellant may move (through Superior Court) to stay all further proceedings of the District Court judgment.

If any property was held pursuant to such proceedings at the time the stay is granted and the process recalled, such property shall be returned immediately to the party entitled to such property.

Once a case is sent to Superior Court, that court makes all the decisions regarding the case and the case remains there permanently.

****** YOU DO NOT AUTOMATICALLY RECEIVE A HEARING DATE IN SUPERIOR COURT WHEN YOU APPEAL. PLEASE DIRECT QUESTIONS TO THEM AFTER THE CASE HAS BEEN TRANSFERRED, BUT REMEMBER, THEY CANNOT GIVE YOU LEGAL ADVICE.**

CLERK'S OFFICE PERSONNEL ARE NOT AUTHORIZED TO GIVE LEGAL ADVICE. DO NOT ASK!!
PRO SE PARTIES SHOULD CONTACT AN ATTORNEY FOR LEGAL GUIDANCE.