

An Introduction to
SMALL CLAIMS COURT RITZVILLE DISTRICT COURT
210 W. Broadway, Ritzville, WA 99169 Phone (509) 659-1002 Fax (509) 659-3245

WHAT IS A SMALL CLAIMS COURT?

Small Claims Court allows a person, 18 years of age or older (RCW 12.04.140) or business with a legal dispute to sue without hiring an attorney. There are no juries, and lawyers are not allowed to represent either party. The **MAXIMUM AMOUNT** that can be sued for in Small Claims Court is \$5,000.

Small Claims Court only handles claims for money; it cannot help the plaintiff (person suing) regain property, or force the defendant (person or business being sued) to perform any action. For example, it can require an auto repair shop to refund money to you, but cannot force it to make free repairs on your car.

WHERE CAN I FILE MY CLAIM?

The plaintiff should file the claim in the county where the defendant lives, or if the defendant is a corporation, where the corporation does business. Contact the District Court nearest that location. If the defendant lives or does business in Adams County, you should file the claim at the District Court location nearest that location.

Ritzville Office: 210 W. Broadway Ave, Ritzville, WA 99169

HOW IS A CASE STARTED?

You will need to fill out and file with the court a form called "NOTICE OF SMALL CLAIM" - each court has its own form and will provide as many copies as you need. You should have the defendant's name and address. After the claim is filled out and signed, and after paying a filing fee of \$14.00 to the court, you will be given a time for the trial on your claim.

DELIVERING A COPY OF THE CLAIM TO THE DEFENDANT

A COPY OF THE "NOTICE OF SMALL CLAIM" MUST BE DELIVERED (or "served") ON THE DEFENDANT **AT LEAST 10 DAYS** before the trial. This notice instructs the defendant to appear at court. IT IS THE PLAINTIFF'S RESPONSIBILITY TO SEE THAT THE DEFENDANT RECEIVES THIS NOTICE, HOWEVER, THE PLAINTIFF CANNOT PERSONALLY DELIVER THE NOTICE TO THE DEFENDANT. One way to deliver the claim is to mail a copy to the defendant by registered mail with a return receipt requested. With mail service, **you must file the postal receipt bearing the defendant's signature with the court on or before the time of the trial.** Other methods of service, such as having the sheriff or registered process server make the delivery, carry a larger charge than mail service. If you win the case, these charges can be awarded to you. Be sure to obtain the notarized Affidavit of Service and file it with the court on or before the time of the trial. You may also have someone over the age of 18 who is not personally involved in the case serve the notice. Be sure it is served properly and the proper notarized Affidavit of Service is presented to the court.

After receiving notice of the claim, the defendant may file a counterclaim against the plaintiff. For example, an upholstery cleaner ruins your sofa. You refuse to pay the bill and sue in Small Claims Court. The upholstery cleaner could file a counterclaim against you for the cost of the cleaning. If the judge decides in favor of the upholstery cleaner, you could be required to pay for the cleaning, plus court costs.

SETTLEMENT

It is recommended that either the plaintiff or the defendant contact the other party prior to the trial to try to settle your differences. If your claim is settled before trial, please notify the court in writing so the case may be dismissed.

WHAT HAPPENS AT TRIAL?

Each person is given a chance to tell his or her side of the story. You should bring any papers which relate to the case (such as receipts, pictures, written contracts or agreements) and you should bring witnesses to support your case. These witnesses must have direct knowledge of the case ("hearsay" - something a witness has only heard from someone else, might not be allowed as evidence of your claim or defense.) **IT IS A GOOD IDEA TO PREPARE YOUR PRESENTATION BEFORE THE TRIAL.** IT SHOULD BE COMPLETE, CONVINCING, SHORT AND TO THE POINT. AVOID IRRELEVANT INFORMATION AND DON'T GET OVERLY EMOTIONAL. The trial is the only opportunity you have to present your case.

If the defendant fails to appear for trial, the plaintiff will be granted a judgment (called a "default" judgment) for the amount of the claim proved in court, provided the plaintiff has filed proof of service of the Notice of Claim on the defendant.

JUDGMENT AWARD / PAYMENT PLAN

When a judgment is entered by default, the court cannot award an amount which is greater than the amount originally requested in the Notice of Claim form. If the court orders one party to pay the other, **IT IS THE DUTY OF THE LOSING PARTY TO PAY WITHOUT ANY DELAY.** A payment plan may be requested by either party. After the winning party is paid the full amount of the judgment, the winning party must notify the court in writing that the judgment was paid in full (or "satisfied").

COLLECTION OF UNPAID JUDGMENTS

If no appeal is taken and the judgment is not paid within 30 days of the time set by the court in the payment plan, you may request, in writing, that the judgment be entered in the civil docket of the court. There is a fee of \$20. charged. You may then use the following options (THE COURT DOES NOT COLLECT THE JUDGMENT FOR YOU):

1. Writ of Garnishment: This is an order issued to the losing party's bank or employer, requiring a certain amount of the losing party's money to be given to the winning party. It may be necessary for you to have the help of an attorney to file this writ.
2. Writ of Execution: This is an order to the sheriff to seize certain property of the losing party, sell it and pay you from the proceeds of the sale. It may be necessary for you to hire the help of an attorney to file this writ.
3. Collection Agency: The winning party can turn over the judgment to a state licensed collection agency. If the agency collects the judgment, it usually keeps from one-third to one-half of the amount as its fee.
4. Real Estate Lien: Upon payment of \$20. you can receive a transcript of the judgment which you can file in the Superior Court for a fee. When this is done, it places a lien against all real estate in the name of the losing party which is located in this county.

CAN I APPEAL A CASE IF I LOSE?

No appeal is allowed from a judgment where the amount claimed was less than \$250. The party who files a claim or counterclaim cannot appeal unless the amount claimed exceeds \$1,000. To file an appeal, the appealing party is required to follow the procedures set out in Chapter 12.36 RCW. The following steps must be taken *within 30 days* of the entry of the judgment:

1. Prepare a written Notice of Appeal and file the Notice of Appeal in District Court.
2. Serve a copy of that Notice on the other parties, and file an *Acknowledgment or Affidavit of Service* in the District Court.
3. Pay to the District Court a \$20.00 transcript fee.
4. Deposit at the District Court the \$230. Superior Court filing fee either in cash, money order, or cashier's check payable to the Clerk of the Superior Court and pay a \$40 appeal preparation processing fee to the District Court.
5. Post a bond in a sum equal to twice the amount of the judgment and costs, or twice the amount in controversy, whichever is greater, (cash or surety) at the District Court.

When the appeal and bond are transferred to Superior Court, the appellant (person appealing the decision) may request that the Superior Court suspend enforcement of the judgment until after the appeal is heard.

Within 14 days of filing the Notice of Appeal, the District Court clerk will transmit the court record to the Superior Court clerk who will assign a new number and notify the District Court. The District Court clerk will advise the appellant of that number, and the appellant must then contact the Superior Court for further instructions.

Once the judgment has been appealed to the Superior Court, then enforcement of any judgments entered in the case will be handled in Superior Court in the same manner as any other Superior Court judgment.

PLEASE LET US HELP EACH OTHER! IF YOUR ADDRESS CHANGES AT ANY STAGE OF THE PROCEEDINGS, CONTACT THE COURT IMMEDIATELY OR BY CALLING 509-659-1002

**RITZVILLE DISTRICT COURT, STATE OF WASHINGTON, ADAMS COUNTY
SMALL CLAIMS DEPARTMENT**

**NOTICE OF
CLAIM**

CLAIM NUMBER

PLAINTIFF	VS	DEFENDANT
NAME		NAME
STREET		STREET
CITY, STATE		CITY, STATE
PHONE #		PHONE #

You are hereby notified that the above named Plaintiff, whose address is given above, has filed in the above entitled court his claim amounting to \$_____ ; the reasons for which are stated below. You are further notified to be and appear personally before me in said Ritzville District Court, Adams County, Washington, on the _____ day of _____, 20____ at _____ to answer said claim. In case of your failure to do so, Judgment will be entered against you for the amount of said claim.

SERVICE INSTRUCTIONS THIS NOTICE MUST BE SERVED NO LATER THAN	BUT NOT BEFORE	TRIAL DATE	AMOUNT OF CLAIM	CAUSE OF ACTION SC	DATED THIS _____ DAY OF _____ _____(JUDGE)
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STATEMENT OF COMPLAINT

THE PLAINTIFF CLAIMS AN INDEBTEDNESS AGAINST THE DEFENDANT AS FOLLOWS:

MY NAME IS:	
MY ADDRESS IS:	
NAME OF PERSON I AM SUING IS:	
HIS/HER ADDRESS IS:	
THE AMOUNT OF MONEY I CLAIM HE/SHE OWES ME IS:⇒	
THE REASON I CLAIM HE/SHE OWES ME THE MONEY IS:	
THE DATE WHEN THIS MONEY CAME DUE	THE MONEY IS STILL DUE AND UNPAID

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____ 20____

CLERK

PLAINTIFF