
SMALL CLAIMS COURT

**In the District Court of the State of
Washington**

For the County of Columbia County

Disclaimer -

This brochure is intended to be a general statement of small claims procedure and not legal advice. For more detailed information, please consult applicable provisions of the Revised Code of Washington (RCW) Chapters 3.66, 4.16, 4.28, 12.40, and the Civil Rules for Courts of Limited Jurisdiction, Rule 5 (CRLJ 5). RCWs and court rules can be found at libraries and the following websites: www.leg.wa.gov (for RCWs) and www.courts.wa.gov (for court rules and sample forms). Court contact information can also be found at www.courts.wa.gov.

Who May Bring a Small Claims Action?

Any individual, business, partnership or corporation (with a few exceptions) may bring a small claims action only to recover money; a “natural person,” meaning a human being, may file a claim up to \$10,000; the limit is \$5,000 in all other cases. In general, the claim must be filed in the district court of the county in which the defendant(s) reside. Exceptions and specific rules can be found at RCW 3.66.040. The State of Washington may not be sued in a small claims action. Attorneys and paralegals are excluded from appearing or participating with the plaintiff or defendant in a small claims action unless the judge grants permission.

How Do You Get Started?

First, you need to prepare a Notice of Small Claim form that is provided by the district court clerk. The Notice requires: (1) your name and address; (2) a sworn statement briefly describing the claim, including the amount and when it occurred; and (3) the name and address of the defendant, if known. You must sign the Notice in the presence of the clerk, unless otherwise instructed by the court. The clerk will enter a hearing date, trial date or response date on the Notice form. The clerk may assist you with forms and general information about the process but is not allowed to give legal advice.

Note: The law imposes certain time limits, which range from one to ten years, on filing actions. See chapter 4.16 RCW to determine which time limit applies to your type of case.

How Much Does It Cost?

You must pay the court clerk a filing fee at the time the claim is filed. The filing fee will be **\$35.00**. In addition to the filing fee, you may also have to pay to serve or mail the Notice to the defendant (see below). If you win your case, you may be able to have the defendant pay the costs of filing and service.

Notifying the Defendant

Once the Notice of Small Claim is filed with the clerk, it must be “served” or presented to the defendant by someone other than the person who filed the claim, either by personal service or through the mail. The Notice can

be served in any of the ways listed in RCW 4.28.080, including giving a copy of the Notice to the defendant or leaving it at the defendant's usual residence with a person who is responsible enough to give it to the defendant. The Notice can be served only by (1) a person over the age of 18 who is competent to be a witness and is not a party to the action, or (2) the sheriff or a deputy of the county in which the court is located. Instead of personal service, the Notice can be sent to the defendant by registered or certified mail. If the Notice is mailed, a return receipt with the signature of the party being served must be filed with the court. The defendant must be served the Notice at least ten calendar days before the scheduled hearing.

Note: The defendant may file a counterclaim by paying a fee, filing the claim with the court, and serving the plaintiff with notice of the counterclaim.

What If We Settle Before the Hearing?

In most cases, neither party is one hundred percent right or wrong. Because it is important to use judicial resources wisely, you are encouraged to try to settle your case before it goes to hearing. If you settle the dispute before the hearing, you must inform the court so the hearing can be canceled and your case dismissed. If the other party agrees to pay at a later date, you may ask the court for a continuance. If the other party pays before the postponed date, ask the court to cancel the hearing. If you do not receive your money by the time of the continued hearing, proceed with the case in court. *If you drop the suit, the filing fee and service costs are not returned.*

Preparing for the Trial

Whether you are the plaintiff or the defendant, you can help yourself by being well prepared. To prepare for the trial, collect all papers, photographs, receipts, estimates, canceled checks or other documents that concern the case. It may be helpful to write down ahead of time the facts of the case in the order that they occurred. This will help you to organize your thoughts and make a clear presentation of your story to the judge. It is also a good idea to sit through a small claims court session before the date of your hearing. This will give you first-hand information about the way small claim cases are heard.

What Happens at the Hearing?

When you arrive at the court, report to the courtroom in which your case has been assigned. Do not be late. When your case is called, come forward to the counsel table and the judge will swear in all the parties and witnesses.

Some courts suggest or require that you mediate your claims in an attempt to settle. If you do enter into a mediation agreement, it may be a good idea to request a "Judgment" from the court. Sample Judgment forms for small claims court are available on the State Courts website (www.courts.wa.gov). Don't be nervous—remember that a hearing in small claims court is informal. The judge will ask the plaintiff to give his or her side first, and then will ask the defendant for his or her explanation. Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer honestly and to the best of your knowledge. Be polite, not just to the judge, but also to your opponent. Do not interrupt. Whatever happens, keep your temper. Good manners and even tempers help the fair, efficient conduct of the hearing and make a good impression.

After both sides have been heard by the judge, he or she will normally announce the decision right then and will enter a judgment with his or her decision.

What If a Party Doesn't Appear at the Hearing?

If the defendant fails to appear for trial, the plaintiff will be granted judgment for the amount of the claim proven in court, plus costs—provided the plaintiff can show proof of service. If the plaintiff fails to appear, the claim is dismissed; however, generally the court will permit the plaintiff to start over, if good cause for the nonappearance is shown.

What Happens After the Judge Makes a Decision?

After the judge hears both sides, the court will issue a judgment or dismiss the case. If the plaintiff wins, the judge will order the defendant to pay a certain amount for the claim, as well as the costs the plaintiff spent to bring the case and any interest on the amount owed. Once the judgment is issued, the clerk will enter it into the civil docket of the court and will provide a certified copy of the judgment to the prevailing party for no additional cost.

Even if you have a judgment, it does not necessarily mean that you will be paid. The Small Claims Court does not collect the judgment for you. If the debtor does not pay right away, the court may order a payment plan. If the losing party fails to pay, the judge may increase the amount of the judgment to cover the cost of enforcing the judgment. If the judgment remains unpaid, you may seek to enforce the judgment through the collections process, which could include garnishing the defendant's wages or bank accounts; or seeking to obtain personal property of the debtor. Remember, the court clerks cannot give you legal advice so you may need the assistance of an attorney or collection agency, whose fees may be paid by the debtor.

What Happens If You Lose?

Either party may appeal a judgment when the judge has decided against them. However, no appeal is permitted if the amount originally claimed was less than \$250.00. Also, if a party who brought a claim or counterclaim wants to appeal a judgment, the amount originally claimed must have exceeded \$1,000.00. If a party loses a default judgment, an appeal may be taken under the district court rules for setting aside default judgments.

A party who appeals a judgment is required to follow the procedures set out in chapter 12.36 RCW. Within 30 days of the entry of judgment, you must:

1. File a written Notice of Appeal with the district court.
2. Serve a copy of that Notice on the other parties.
3. Pay the district court a \$20.00 transcript fee.
4. Deposit at the district court the \$230.00 superior court filing fee either in cash, money order or cashier's check payable to the Clerk of the Superior Court, and pay a \$40.00 appeal preparation processing fee to the district court.
5. Post a cash or surety bond in a sum equal to twice the amount of the judgment and costs or twice the amount in controversy, whichever is greater, 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 in the district court 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. All further proceedings will be in the superior court.

**COLUMBIA COUNTY DISTRICT COURT
CASE INFORMATION COVER SHEET – SMALL CLAIMS**

Court Case Number _____

Plaintiff/Petitioner: _____

Defendant/Respondent: _____

Amount of Suit: \$ _____

Please check one category that best describes this case for indexing purposes. Accurate case indexing saves time in docketing new cases and assists in forecasting needed judicial resources. Cause of action definitions are listed on this form. Thank you for your cooperation.

- | | |
|---|---|
| <input type="checkbox"/> Automobile Damages (AUT) | <input type="checkbox"/> Open Account (OPA) |
| <input type="checkbox"/> Breach of Contract (BRE) | <input type="checkbox"/> Personal Injury (PIN) |
| <input type="checkbox"/> Commercial Electronic Mail (CEM) | <input type="checkbox"/> Property Damages (PRP) |
| <input type="checkbox"/> Damage Deposit (DD) | <input type="checkbox"/> Property Damages-Gangs (PRG) |
| <input type="checkbox"/> Sister State Deposition (DEP) | <input type="checkbox"/> Rent (REN) |
| <input type="checkbox"/> Goods and Services (GS) | <input type="checkbox"/> Restitution (RES) |
| <input type="checkbox"/> Lease Agreement (LA) | <input type="checkbox"/> Services Rendered (SER) |
| <input type="checkbox"/> Loan (LOA) | <input type="checkbox"/> Wages (WAG) |
| <input type="checkbox"/> NSF Check (NSF) | <input type="checkbox"/> Written Instrument (WR) |

See Reverse for Case Information Category Definitions

If you cannot determine the appropriate category, please describe the cause of action below:

Please Note: Public information in court files and pleadings may be posted on a public Web site.

CASE INFORMATION DEFINITIONS

Automobile Damages-Complaint involving damage to an automobile.

Breach of Contract-Complaint involving monetary dispute where a contract is involved.

Commercial Electronic Mail-Complaint involving receipt of unsolicited commercial email

Damage Deposit-Request for return of a damage deposit.

Sister State Deposition –Request for a deposition order for a matter from another state; no Suit Amount.

Goods and Services-Money owed for goods and services rendered.

Lease Agreement-money owed on lease agreement.

Loan-Money due on a loan.

Mental Illness-Petition for involuntary treatment for an adult who is incapacitated by mental illness.

Mental Illness-Juvenile - Petition for involuntary treatment for a juvenile who is incapacitated by mental illness.

NSF Check-Check written with non-sufficient funds in the account.

Open Account-Money due on a revolving account.

Personal Injury-Complaint involving physical injury.

Property Damage-Complaint involving damage to property.

Property Damage –Gangs –Complaint involving damage to property related to gang activity.

Rent-Money due for rent owing.

Restitution-Petition for restoring property or proceeds, not an unlawful detainer.

Services Rendered- Money due for services rendered.

Wages-Money owed for wages earned.

Written Instrument-Money owed based upon a written instrument such as a promissory note, contract, etc.

Other-Used when other cause codes do not apply.

Updated: 4/17/2020

IN THE DISTRICT COURT OF COLUMBIA COUNTY, WASHINGTON		
PLAINTIFF'S NAME		SMALL CLAIM # _____
ADDRESS		NOTICE OF SMALL CLAIM
CITY	STATE ZIP	
HOME PHONE NO	WORK PHONE NO.	

VS.

DEFENDANT'S NAME	DEFENDANT'S NAME
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
PHONE NO.	PHONE NO.

YOU ARE HEREBY NOTIFIED that the above named Plaintiff has filed a claim against you amounting to \$ _____ ; the reasons for which are stated below.

YOU ARE HEREBY FURTHER NOTIFIED to be and appear at _____ County District Court _____ [address] _____ [city] Washington on _____ [Date], at _____ a.m./p.m. for **PRE-TRIAL TRIAL**. You are to bring with you any and all papers, contracts and proof needed by you to establish or defend this claim. At the time of trial you must bring any witnesses who will testify on your behalf.

YOU ARE FURTHER NOTIFIED that if you fail to personally appear as directed, a Judgment may be entered against you for the amount claimed, plus Plaintiff's costs of filing and service of the claim upon you. Plaintiff must also appear if a Judgment is to be entered. If Plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the Court immediately, in writing.

Clerk

Small Claim # _____

STATEMENT OF CLAIM

I, _____, the undersigned plaintiff, declare that the defendant named above owes me the sum of \$ _____, which became due and owing on _____ [Date].

The amount owed is for:

Faulty Workmanship Merchandise Auto Damages-Date of Accident _____
Wages Loan Return of Deposit Rent Property Damage
Other _____

Explain reason for claim _____

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

**IN THE DISTRICT COURT OF
COLUMBIA COUNTY WASHINGTON**

vs. _____ Plaintiff,

vs.

Defendant.

NO.

CERTIFICATE OF SERVICE

I DECLARE that I am not the plaintiff, defendant or a witness, and:

PERSONAL SERVICE

I served the Notice by delivering a true copy to the defendant personally in _____ County, State of Washington, as follows:

Name of Defendant	Address Where Served	Date of Service
_____	_____	_____

SUBSTITUTE SERVICE

I served the Notice by delivering a true copy to the defendant's usual place of abode in _____ County, State of Washington, and leaving it with a person over 12 years of age residing there, as follows:

Name of Defendant	Address Where Delivered	Name of Person Receiving Copy	Date of Service
_____	_____	_____	_____

SERVICE BY MAIL (Attach to this form both the postal receipt and the return receipt signed by the defendant.)

I served the Notice by depositing in the United States Post Office in _____ County, State of Washington, a true copy of the Notice enclosed in a sealed envelope having adequate postage and sent Certified Mail, Restricted Delivery, Return Receipt Requested, as follows:

Address of Post Office	Date Mailed	Addressed to (Name of Defendant):	Mailing Address of Defendant
_____	_____	_____	_____

I, the undersigned, declare under penalty of perjury that the foregoing is true and correct and that I was at the time of service of the above notice(s) a resident of the State of Washington over the age of 18 years and not a party to the above numbered claim.

DATED: _____
Signature of Server

Server's Phone No. _____
Address of Server