

Snohomish County District Court

Cascade Division Everett Division Evergreen Division South Division

SMALL CLAIM INFORMATION

Introduction: This information provided in this summary is intended to address common procedural questions regarding the Small Claim process. This information is not comprehensive and should not be construed as legal advice. Court staff are prohibited by law from providing any type of legal advice. Those in need of legal advice should consult an attorney.

Where to File a Small Claim: Any individual, business, partnership or corporation (with a few exceptions) may bring a suit for the recovery of money only in an amount up to \$5,000.00. A Small Claim must be filed in the District Court having jurisdiction over the defendant. The Plaintiff has the burden of determining the proper jurisdiction. Questions regarding which District Court Division to file in may be answered by referring to Rule 3 of the Snohomish County Local Civil Rule for Courts of Limited Jurisdiction. Other questions regarding proper jurisdiction may be answered by referring to RCW 3.66.020 and RCW 3.66.040. Questions regarding statutes of limitation for Small Claim suits may be answered with reference to RCW Chapter 4.16.

Procedure: Plaintiff must prepare a Notice of Small Claim on a form provided by the court staff. Plaintiff must provide the name and address of the defendant(s), a concise description of the claim and must sign the Notice of Small Claim. It is Plaintiff's responsibility to provide complete and accurate information regarding the name and address of the defendant. Once the Notice of Small Claim form is completed and the filing fee is paid, the court staff will accept the complaint for filing and provide a mandatory mediation conference date and time. Plaintiff must then cause the Notice of Small Claim to be served upon the defendant.

Service of the Notice of Small Claim: The Notice of Small Claim must be served upon the Defendant. It is the Plaintiff's responsibility to have the Notice of Small Claim served upon the Defendant at least ten days prior to the first court hearing. A Notice of Small Claim may be served by a law enforcement officer, a registered process server, a person eighteen or older who is not connected with the case as a party or witness or by certified mail. It is also the Plaintiff's responsibility to provide proof of service of the Notice of Small Claim. Proof of service may be made by Declaration of Service, testimony or a return receipt from certified mail bearing Defendant's signature. The court staff will provide a Declaration of Service form upon request.

Mandatory Mediation Conference: The first hearing for a Small Claim is a Mandatory Mediation Conference where trained mediators from the Dispute Resolution Center will be present to meet with the parties to facilitate settlement without trial. Most Small Claims are resolved through mediation. The mediation process provides the parties an opportunity to reach a mutually agreed upon resolution of your dispute. It is not necessary to bring witnesses to the mediation conference. A trial date will be scheduled if you are unsuccessful in reaching a resolution through mediation.

Trial: Small Claim trials are heard in front of a Judge. At trial, each side will have an opportunity to present their case and the Judge will then issue a ruling. The Plaintiff must prove to the Judge by a preponderance of the evidence that judgment should be awarded in their favor. A Defendant pursuing a Counterclaim must also prove their claim by a preponderance of the evidence. No attorney, legal professional or other person is allowed to represent either side during the trial. The parties should bring witnesses, documents, records and photographs necessary to support their claims or defenses. The prevailing party may be awarded their filing fee and costs of service.

Failure to Appear for Hearing: If Plaintiff fails to appear for the Mandatory Mediation Conference or for Trial, the Defendant may request that the Small Claim be dismissed. If Defendant fails to appear for the Mandatory Mediation Conference or for Trial, Plaintiff may request that a Default Judgment enter against the Defendant. However, prior to a Default Judgment being entered, Plaintiff must provide proof of proper service of the Notice of Small Claim, proof of compliance with the Servicemembers Civil Relief Act and a factual basis supporting the claim.

Servicemembers Civil Relief Act: The Servicemembers Civil Relief Act (SCRA) is a Federal law which provides for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of Servicemembers and their dependents during their active duty military service. Under Section 201 of the SCRA, no judgment may be entered against a non-appearing defendant unless the Plaintiff provides an affidavit or declaration stating whether or not the defendant is in military service and showing necessary facts to support the affidavit or declaration. If Plaintiff is unable to determine whether or not Defendant is in military service, Plaintiff may provide an affidavit or declaration so stating and providing necessary facts to support the affidavit or declaration. One method of determining whether Defendant is active duty military is the use of the Defense Manpower Data Center website at <https://www.dmdc.osd.mil/scra/owa/home>.

Collection of Judgment: A money judgment in your favor doesn't necessarily mean that the money will be paid. The Court does not collect a judgment for you. If no appeal is taken and judgment is not paid within 30 days, you may commence collection enforcement proceedings. You may request that the judgment be transferred from the Small Claim Department to the District Court Civil Department to make a judgment a matter of record. You may also request a transcript of judgment which you may file in the Superior Court in Everett for further proceedings. If you have questions about Superior Court Proceedings, please call the County Clerk's office at (425) 388-3466. You may wish to consult your attorney or a collection agency to proceed with a method of collections. Attorney fees incurred in the collection of a judgment can be added to the judgment amount.

Appeal: No appeal is allowed from a judgment where the amount awarded is less than \$250.00. No appeal shall be permitted by the plaintiff where the amount claimed is less than \$1,000.00. If you wish to appeal, the appealing party is required to follow the procedures set out in RCW 12.36, RCW 12.40 and RCW 36.18. You may obtain the appeal information and forms from the District Court Clerk.

Fee Schedule:	Filing of Claim or Counterclaim:	\$ 39.00
	Transcripts:	\$ 20.00
	Appeal:	\$ 220.00

Interpreters: Pursuant to RCW 2.42.120, if a hearing impaired person is a party or witness at any stage of a court proceeding, the Court will appoint and pay for a qualified interpreter to interpret the proceedings. Pursuant to RCW 2.43.040, if a non-English speaking person is a party or witness in a Small Claim case, the non-English speaking person is responsible to provide and pay for an interpreter. The non-English speaking person may petition the Court to pay for the interpreter based upon a finding that the person is indigent and unable to pay. The cost of providing an interpreter may be added to any judgment entered in the case.