

SMALL CLAIMS PLAINTIFF'S PACKET

Included in the Small Claims Plaintiff's Packet, you will find the following documents:

1. Notice of Small Claim Pretrial Conference
2. Notice of Small Claim
3. King County District Court Small Claims Important Information
4. Instructions for Evidence
5. Declaration of Service
6. Declaration re: Service Members Civil Relief Act (Active Duty Military)
7. Satisfaction of Judgment
8. Dispute Resolution Brochure

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

<hr/> Plaintiff(s), v. <hr/> Defendant(s).	No. _____ NOTICE OF SMALL CLAIM PRETRIAL CONFERENCE
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You are scheduled for a mandatory Pretrial Hearing on _____ at _____, in Courtroom # _____ in the _____ Courthouse.

Please note: **your appearance, in-person, is mandatory.**

If you need an Interpreter, please call or have someone contact the court on your behalf at 206-205-9200 in advance of the hearing date so we can be sure to have an interpreter available at the time of the hearing.

At the time of your hearing, please have your documents, contracts, or other proof needed to establish or defend this claim. If you are the plaintiff, please have your proof of personal service on the defendant available to provide to the court or file it in advance of the hearing.

YOU ARE FURTHER NOTIFIED that if you fail to 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 or if you are the Plaintiff and fail to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, please notify the Court, in writing.

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

(1) _____,

(2) _____,

Plaintiff,

v.

(1) _____,

(2) _____,

Defendant.

SMALL CLAIMS DEPARTMENT

No. _____

NOTICE OF SMALL CLAIM

(CLERK'S ACTION REQUIRED)

Plaintiff Contact Information:

(1) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Defendant Contact Information:

(1) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Does anyone need an interpreter? Yes No

Name

Language

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

SEE ATTACHED NOTICE OF SMALL CLAIM PRE-TRIAL CONFERENCE FOR YOUR HEARING DATE

At the time of **TRIAL**, bring with you 2 copies of of all papers, contracts and all proof needed by you to establish or defend this claim, and 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

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

KING COUNTY DISTRICT COURT SMALL CLAIMS

- **The Plaintiff is the party who begins the lawsuit by filing a Notice of Small Claim.**
- **The Plaintiff is responsible for making sure the Defendant is served the Notice of Small Claim and all documents in the service packet BEFORE the hearing.** See RCW 12.40.040.
- **A Plaintiff cannot be the person who serves the Defendant.**
The Plaintiff must find another person who is over 18 years old to serve the Defendant.
- **It is the Plaintiff's responsibility to serve the defendant at least 10 days before the pre-trial hearing and file proof of service with the court.** See RCW 12.40.040

**YOUR CASE WILL BE DISMISSED IF YOU DO NOT SERVE THE
DEFENDANT AND FILE PROOF OF SERVICE WITH THE COURT**

Service means one of the following:

- Personal Service, Substitute Service or by certified mail with the signature of the party being served. **These are the only service methods authorized in small claims.** See RCW 12.40.040 and RCW 4.28.080.

There are lots of ways to “serve” a business with the Notice of Small Claims. Please refer to RCW 4.28.080. One way to serve a business is by serving the Registered Agent.

- To find the Registered Agent, search the business name on the websites for the Secretary of State's Website: www.sos.wa.gov/corps or The Department of Revenue: <https://dor.wa.gov>.

The Plaintiff must prove the Defendant was served by filing a “Declaration of Service.”

- The Declaration of Service must be completed and signed by the person who served the Defendant and must list the documents served.
- The Declaration of Service must be filed with the court in advance of the hearing. You can do this in person, by fax, mail, or the electronic filing portal.

Educate yourself! Not all claims can be heard in the small claims department. Not all defendants may be sued in small claims. You must make sure that you are filing in the correct court, at the correct time, against the correct defendant. You can start by reading RCW Chapter 12.40 and RCW 3.66.020; 030; 040; and 100. For more information about the Small Claims or see the small claims videos on the King County Law Library's website.

Attorneys are not typically allowed in small claims cases, but you may wish to consult an attorney about certain issues such as jurisdiction, venue, service, and the type of claim you wish to bring.

How do I get ready for the trial?

Make some notes to yourself about the main points to make when it is your turn to talk at the small claims trial. If you are the plaintiff, you should summarize your case, explain why the defendant should be responsible for paying you money, and explain how you calculated the specific amount you requested. If you are the defendant, you should explain why you feel you are not responsible to pay for the damages the plaintiff is requesting or why the amount they are requesting is wrong.

How do I present evidence at the trial?

1. **Audio/video:** You must bring a copy of the audio/video on a USB or CD AND bring a device to play the audio/video. The Court is not permitted to play an outside memory device, as the device may have a virus. If you want to play the audio/video from your phone, the Court will retain your phone for 30 days, which is the time period for a party to appeal the Court's decision. In place of having you play certain messages, the judge may just ask you to testify about what the messages or audio says.
2. **Text/Instagram/Facebook messages:**
You must print out a copy of the messages you want the Court to see. You must also provide a copy for the other side. The Court Clerks do not make copies for parties.
3. **Any documents:**
You must print out a copy of any documents you want the Court to see. You must also provide a copy for the other side. The Court Clerks do not make copies for parties.
4. **Statements of other people/witnesses:**
Any witnesses you have must attend the trial with you. Witnesses can also file a written sworn statement describing what they saw or heard. The written statement needs to have this statement at the bottom:

"I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true."

The declaration then needs to be signed by the person making the declaration with the date it is signed and the city and state where it is signed.

Do not file evidence in advance with the court. You must bring all the evidence you intend to use to trial. However, you must exchange evidence with the other party 14 days in advance. Failure to do so may result in a continuance of the trial to another date or the exclusion of evidence.

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

<p>_____ Plaintiff(s),</p> <p style="text-align: center;">v.</p> <p>_____ Defendant(s).</p>	<p>No. _____</p> <p style="text-align: center;">DECLARATION OF SERVICE OF NOTICE OF SMALL CLAIM</p> <p style="text-align: center;">(CLERK'S ACTION REQUIRED)</p>
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The undersigned **states** that:

1.1 I am over the age of 18 years, competent to be a witness, and **I am not a party** to this action.

1.2 On _____ (date) at _____ a.m./p.m. (time) at _____ (city and state of service), I served on **defendant(s)** _____ at _____ (address) the following document(s):

- Notice of Small Claims
- Notice to Servicemembers and their Dependents
- Notice of Small Claim Pretrial Conference

1.3 Service on the defendant(s) was made by delivery to _____,

- the defendant(s) named in paragraph 1.2 above.
- the defendants by mailing a copy of the documents listed in 1.2 to the defendant via registered or certified mail with a return receipt bearing the defendant's signature. (attach proof of signed return receipt).
- a person of suitable age and discretion residing at the usual abode of defendant(s).

[] the _____ (president, registered agent, secretary, cashier, partner, etc.)
of _____ (name of corporation,
partnership, etc.).

I **certify** under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: _____, at _____ Washington.

Signature

Name and Title

Fees: Service _____
Postage _____
Total _____

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

In re: and <div style="text-align: center;"> Petitioner, Respondent. </div>	No. Declaration re: Service Members Civil Relief Act (Active Duty Military) (Optional Use) (AFSCR)
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(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

I (name) _____, **Declare** that:

- (Name): _____ is **not** a service member or a dependent covered by the state or federal Service Members' Civil Relief Acts.
- (Name): _____ is a service member covered by the state or federal Service Members' Civil Relief Acts. *(Check all that apply):*

Branch of Service	Washington State Connection	Duty Status
<input type="checkbox"/> U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard) <input type="checkbox"/> National Guard or Reserves <input type="checkbox"/> commissioned corps of Public Health Service or National Oceanic and Atmospheric Administration	<input type="checkbox"/> Stationed in or resident of Washington <input type="checkbox"/> None	<input type="checkbox"/> In military service (meaning active duty or a call to active service for more than 30 days in a row) <input type="checkbox"/> Is within 90 days after termination of or release from military service (50 USC 522(a)(1)) <input type="checkbox"/> Is within 180 days after termination of or release from military service (RCW 38.42.060(1)(a)) <input type="checkbox"/> Not on active duty or a call to active service for more than 30 days in a row

- (Name): _____ is a **dependent** of (name): _____, who is a service member covered by the **state** Service Members' Civil Relief Act and who is under a call to active service for more than 30 days in a row. *(Dependent means a spouse,*

child under 18, or other person who got at least 50% of his/her financial support from a covered service member.)

I know this because (check all that apply):

- The attached report from the Defense Manpower Data Center (DMDC) shows his/her status. (To get the report, visit <https://scra.dmdc.osd.mil/scra/>. You will need his/her birth date or social security number to search this website.)
- I sent him/her a *Notice re Military Dependent* (form All Cases 01.0230) to inform him/her of dependents' rights. S/he did not respond within 20 days claiming to be a protected military dependent. Therefore, the other party should not be considered a protected military dependent.

The *Notice* was (check one): personally served on (date): _____
 mailed by first class mail on (date): _____

- I have personal knowledge of his/her military or dependent status (explain):

- _____
- Other (explain):

- S/he is a service member or a dependent **covered** by the state and/or federal Service Members' Civil Relief Act, and *in this case*:

- has his/her own lawyer.
- has a lawyer appointed by the court.

The court:

- has suspended or delayed this case.
- has **not** suspended or delayed this case.

- I **don't know** whether (name): _____ is a service member or a dependent covered by the state and/or federal Service Members' Civil Relief Act. I did the following things to try to find out:

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 of Petitioner or Lawyer/WSBA No.

Print Name

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

_____	No. _____
Plaintiff(s),	SATISFACTION OF JUDGMENT
v.	(CLERK'S ACTION REQUIRED)

Defendant(s).	

To Clerk:

Please be advised that the judgment awarded in the above-referenced case has been paid in full.

DATED: _____

Signature

Printed Name

PRE-TRIAL MEDIATION

The Court strongly encourages parties to work to resolve their small claim case through mediation. In almost all cases, the court will require parties to attempt mediation before awarding a trial date.

King County District Court has arranged for the Dispute Resolution Center of King County (DRC) to provide mediation assistance to the parties at no additional cost to you. Since 1987, the DRC, a non-profit organization, has provided free or low-cost conflict resolution and mediation services to the community. **The DRC is not part of the District Court.**

What is Mediation?

- **Mediation is a confidential meeting** between you and the other party, with a professionally trained, neutral mediator.
- The mediator helps the parties work together to create mutually agreeable solutions without offering legal advice or an evaluation of the case.
- If agreements are made, the mediator will write up the agreement using the parties' own words and both parties will leave the mediation with the signed written agreement. The Court will be notified the parties have reached an agreement, and the parties will not have to attend the scheduled prehearing conference or trial.
- Mediation does not affect your right to a trial. If you do not reach an agreement with the other party you still have the right to proceed to trial.
- If one of the parties does not follow the terms of the agreement, the agreement can be presented to the Court with a request that it be converted into an enforceable judgment.

Why Mediation?

- Mediation enables the **parties to determine the outcome** of their conflict, rather than being forced to accept a judgment from the Court that may leave neither party satisfied.
- Unlike a public trial, **mediation is confidential** and does not become part of the court record.
- At trial, the judge is limited to granting or denying a money judgment. **Mediation is more flexible.**
- With a mediated agreement, a party may agree to complete a job, return an item of property, or pay money using a payment plan.
- Formal mediation agreements are enforceable by a court.