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

SELECT APPROPRIATE COURTHOUSE

_____ Plaintiff(s), v. _____ Defendant(s).	No. _____ **NOTICE OF SMALL CLAIM** **PRETRIAL CONFERENCE**

You are scheduled for a mandatory Pretrial Hearing on _____ at _____ .

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

KING COUNTY DISTRICT COURT

_____at _____

Courtroom:

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) _____,	SMALL CLAIMS DEPARTMENT
(2) _____, Plaintiff,	No.
v.	**NOTICE OF SMALL CLAIM**
(1) _____,	
(2) _____, Defendant.	
	(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 are listed below.

YOU WILL RECEIVE A NOTICE OF HEARING FROM THE CLERK.

IF YOU MOVE, PLEASE TELL THE COURT IMMEDIATELY.

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

Military Service

☐ The following defendants are in the military service and are covered by the *Servicemember Civil Relief Act*: _____

☐ No defendant is covered by the *Servicemember Civil Relief Act*. The facts supporting this claim are:

_____.

☐ I do not know if any defendants are covered by the *Servicemember Civil Relief Act*.

I certify under penalty of perjury under the laws of the State of Washington that all the information provided in this petition and any attachments is true and correct.

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

_____ _____

Signature Print or Type Name

How Do I Serve the Other Side?

All Defendants named on the case must be served with the Notice of Small Claim and all other documents filed on the case.

1. **Who are you serving?**
   a. **Person**
   b. **Person d/b/a business (doing business as)**
   c. **Business or Organization:** If you are suing a business or organization, you may need to know the Registered Agent information and confirm they are doing business in WA to properly serve all the documents. You can find the Registered Agent by searching the business name on the Secretary of State's Website: Washington Secretary of State - Corporations. Have a copy of the identification of the registered agent from the Secretary of State website to file with the proof of service.
2. **How to serve a person or a business:** The Notice of Small Claim must be "served" on the defendant by someone other than you who is 18 or older and is not a party or a witness to the case. Service can be done by personal service or through registered or certified mail. After the defendant is served, you must file proof of service with the court—see the Declaration of Service form in your Plaintiff's Packet. For further information please review RCW 12.40.040, RCW 4.28.080, and RCW 23.95.450.

Service Method	How to Use this Method	Proof of Service
Personal Service: The packet provided by the court can be served on the defendant or registered agent of the business. Alternatively, the packet provided by the court can be served at the defendant's residence by serving on a co-resident (a person of suitable age and discretion).	**a.** Hire law enforcement to serve the other party **b.** Hire a private process server; or **c.** Have someone 18 or older who is **NOT YOU** (not a party to the case or witness) serve all documents and fill out the **"Declaration of Service."**	A "Declaration of Service" can be found on page 5 of this packet. The Declaration must be completed and signed by the person who served the Defendant and must list all documents served.
Service by Certified or Registered mail on a person: The USPS offers both certified and registered mail.	**a.** Make sure that the service packet is mailed to the other party. **b.** Request a return receipt. **c.** Wait for the return receipt (small green card) to come back with the other party's signature	Proof of service for certified mail is the green return receipt with the defendant's signature. The signature must be readable. The court must be able to identify that the defendant is the person who signed for the documents.

Service Method	How to Use this Method	Proof of Service
Service by Certified or Registered mail on a business: The USPS offers both certified and registered mail.	**a.** Make sure that the service packet is mailed to the registered agent. **b.** Request a return receipt. **c.** Wait for the return receipt (small green card) to come back with the registered agent's signature. **d.** Have a copy of the identification of the registered agent from the Secretary of State website to file with the proof of service.	Proof of service for certified mail is the green return receipt with the registered agent's signature. The signature must be readable. The court must be able to identify the person who signed for the documents is the registered agent. Because the defendant is a business, the court must be able to identify the signer's role or title.

3. **<u>When to serve the other side:</u>** You should have the other side served as soon as possible after filing your case. If you file in person at any of our court locations, you will be given the packets to initiate service right away. If you e-File the case at our portal, the packets will be mailed to you at the address you provide on the Notice of Small Claims. **Service must be completed at least ten business (10) days before the first hearing**. If you do not file proof of service with the Court BEFORE the Pre-Trial hearing, your case may be reset.

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

_____ Plaintiff(s), vs. _____ Defendant(s).	No. _____ **DECLARATION OF SERVICE (PLAINTIFF)**

I, *(Name)* _____ declare that I am not the plaintiff, defendant, or a witness, and I served the following documents:

- ☐ Notice of Small Claims
- ☐ Notice to Servicemembers and their Dependents
- ☐ Notice of Small Claim Pretrial Conference
- ☐ Other: _____

on:

Name of Defendant _____

Address Where Served _____

Date of Service _____

☐ Defendant is a LLC, corporation, or other business entity.

Title and Name of Person Served

_____

How the documents were served:

☐ **PERSONAL SERVICE**

I served the above by personally delivering a true copy to the defendant in _____ County, State of Washington at the above address.

☐ **SUBSTITUTE SERVICE**

I served the above by delivering a true copy to the defendant's principal residence as listed above in _____County, State of Washington, and leaving it with a person of suitable age and discretion residing there, as follows:

Name of Person Receiving a 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 or Registered Mail, Restricted Delivery, Return Receipt Requested, as follows:

Address of Post Office _____

Date Mailed _____

Addressed to (Name of Defendant): _____

Mailing Address of Defendant

_____

I 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

KING COUNTY DISTRICT COURT
STATE OF WASHINGTON

In re: Petitioner, and Respondent.	**No**. **Declaration re: Service Members Civil Relief Act (Active Duty Military) (Optional Use) (AFSCR)**

*(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
☐ U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard) ☐ National Guard or Reserves ☐ commissioned corps of Public Health Service or National Oceanic and Atmospheric Administration	☐ Stationed in or resident of Washington ☐ None	☐ In military service (meaning active duty or a call to active service for more than 30 days in a row) ☐ Is within 90 days after termination of or release from military service (50 USC 522(a)(1)) ☐ Is within 180 days after termination of or release from military service (RCW 38.42.060(1)(a)) ☐ **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
SELECT APPROPRIATE COURTHOUSE

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

I am the ☐ Plaintiff ☐ Defendant on this case, and I hereby state the following:

1. A judgment was entered on _____ (date) in favor of _____ (name) for the amount of $ _____ against _____ (name).
2. The judgment has been fully paid and discharged.
3. Full satisfaction of judgment is hereby acknowledged and the clerk of the court is hereby directed to note that the judgment has been satisfied and the case shall be closed.

DATED: _____

_____
Judgment Creditor's Signature

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

☐ I certify that I know or have satisfactory evidence that _____ (name) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ (title) of _____ (name of business/organization) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

☐ I certify that I know or have satisfactory evidence that _____ (name) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

_____
NOTARY PUBLIC in and for the State of Washington .

residing at _____

My commission expires: _____

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.