

Cost: \$5.00

# DEFENDANT'S CLAIM PACKET

Updated: January 1, 2020

Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached, to understand the claim against you and to protect your rights.

**Aviso al demandado:**

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number and case name:

**Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- *Before* you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Plaintiff a court-stamped copy of all 3 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Defendant (list names):

Case Number:

**1 The Plaintiff (the person, business, or public entity that sued first) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-120A.

Check here if any Plaintiff is on active military duty and write his or her name here: \_\_\_\_\_

**2 The Defendant (the person, business, or public entity suing now) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-120A.

Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

**3 The Defendant claims the Plaintiff owes \$ \_\_\_\_\_ (Explain below):**

a. Why does the Plaintiff owe the Defendant money? \_\_\_\_\_  
\_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_  
If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)  
\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.



Defendant (list names):

Case Number:

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue.  
Have you done this?  Yes  No

5 Is your claim about an attorney-client fee dispute?  Yes  No  
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity?  Yes  No  
If yes, you must file a written claim with the public entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 Have you filed more than 12 other small claims within the last 12 months in California?  
 Yes  No If yes, the filing fee for this case will be higher.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Defendant types or prints name here      ► Defendant signs here

Date: \_\_\_\_\_ Second Defendant types or prints name here      ► Second Defendant signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk’s office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



**Need help?**

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



This form is attached to Form SC-120, item 1 or 2.

**1 If more than 2 plaintiffs (person, business, or public entity being sued), list their information below:**

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check here if more than 4 plaintiffs and fill out and attach another Form SC-120A.

**2 If more than 2 defendants (person, business, or public entity suing), list their information below:**

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Check here if more than 4 defendants and fill out and attach another Form SC-120A.

**3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

**4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ *Type or print your name*  \_\_\_\_\_ *Sign your name*

Date: \_\_\_\_\_ *Type or print your name*  \_\_\_\_\_ *Sign your name*

**What is “service”?**

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for
- When and where the trial will be *and*
- What the party can choose to do

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*

**How is service done?**

This form tells you how to serve by *personal* service or *substituted* service.

*Personal* service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

*Substituted* service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

**What if the court papers do not get served?**

The judge cannot hear your case unless the court papers were served correctly.

**Can the court serve the papers for me?**

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

**Who can serve?**

You can ask a friend, a process server, or the Sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.” The Sheriff (or Marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the Sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

**How is *personal* service done?**

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on Form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

**How is *substituted* service done?**

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

**What does the server do with the original Proof of Service form?**

If a process server or Sheriff served the papers, he or she can file Form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

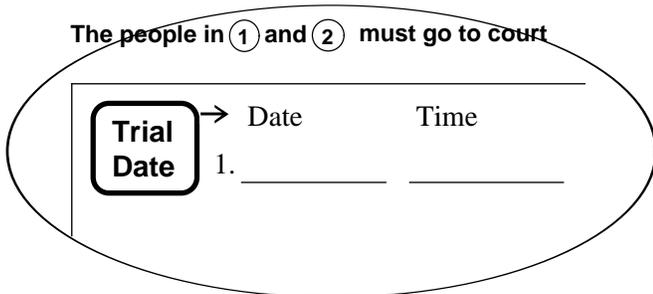
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

**When do the court forms have to be served?**

- **If you are serving Form SC-100, Plaintiff’s Claim,** look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving Form SC-120, Defendant’s Claim,** look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

**What if I can’t get the court papers served before the trial?**

If you were not able to serve your claim (Form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file Form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other Plaintiffs and Defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

**Who do I have to serve?**

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:  
*Lee Smith, owner and driver*

If the owner and driver are not the same person:  
*Lee Smith, owner and driver*  
*Bob Smith, owner*

If you are suing a business, an association, or a public entity, read Form SC-104C, *How to Serve a Business*.

**? Need help?**

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps date here when form is filed.

Use this form to serve a **person**, a **business**, or a **public entity**. To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- 1 Owner (for a sole proprietorship)
- 1 Partner (for a partnership) or general partner (for a limited partnership)
- 1 Any officer or general manager (corporation or association)
- 1 Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- 1 Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

- 1 Clerk (of a city or county)
- 1 Chief officer or director (of a public agency)
- 1 Any person authorized for service by the entity

1 a. If you are serving a **person**, write the person's name below:

\_\_\_\_\_

b. If you are serving a **business** or **entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

Business or Agency Name

Person Authorized for Service

Job Title

**2 Instructions to Server:**

You must be at least 18 years old and **not be named in this case**. Follow these steps:

- 1 Give a copy of all the documents checked in 3 to the person in 1, **or**
- 1 Give a copy of all the documents checked in 3 to one of the following people:
  - a. A competent adult (at least 18) living with, and at the home of the person in 1, **or**
  - b. An adult (at least 18) who seems to be in charge at the usual workplace of the person in 1, **or**
  - c. An adult (at least 18) who seems to be in charge where the person in 1 usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in 1. **and** mail a copy of the documents left with one of the adults in a, b, or c above to the person in 1.

THEN

- 1 Complete and sign this form, and
- 1 Give or mail your completed form to the person who asked you to serve these court papers, **in time for the form to be filed with the court at least 5 days before the hearing.**

3 I served the person in 1 a copy of the documents checked below:

- a.  SC-100, Plaintiff's Claim and ORDER to Go to Small Claims Court
- b.  SC-120, Defendant's Claim and ORDER to Go to Small Claims Court
- c.  Order for examination (This form must be personally served. Check the form that was served):

Note: The court can issue a civil arrest warrant if the served party does not come to court only if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.

- (1)  SC-134, Application and Order to Produce Statement of Assets and to Appear for Examination
- (2)  AT-138/EJ-125, Application and Order for Appearance and Examination

d.  Other (specify): \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, case name, hearing date, day, time, and department below:

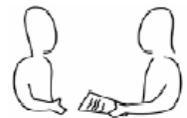
Case Number:

Case Name:

Hearing Date:

Time:

Dept.:



Case name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**4 Fill out "a" or "b" below:**

- a.  **Personal Service:** I personally gave copies of the documents checked in (3) to the person in (1)

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- b.  **Substituted Service:** I personally gave copies of the documents checked in (3) (a, b, or d) to (check one):

A competent adult (at least 18) at the **home** of, and living with the person in (1), or

An adult who seems to be in charge where the person in (1) usually **works**, or

An adult who seems to be in charge where the person in (1) usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in (1).

I told that adult, "Please give these court papers to (name of person in (1))."

I did this on (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name or description of the person I gave the papers to: \_\_\_\_\_

After serving the court papers, I put copies of the documents listed in (3) in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in (1) at the address where I left the copies.

I mailed the envelope on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_

by leaving it (check one):

a.  At a U.S. Postal Service mail drop, or

b.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, or

c.  With someone else I asked to mail the documents to the person in (1), and I have attached that person's completed Form SC-104A.

**5 Server's Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for service: \$ \_\_\_\_\_

*If you are a registered process server:*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

- 6** I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name



\_\_\_\_\_  
Server signs here after serving

- Ⓟ This form is attached to Form SC-104. Use this form ONLY if you mailed the documents in ① and someone else personally gave them to the person, business, or public entity served.

**Notice to Server**

You must:

- Be at least 18 and **not listed in this lawsuit.**
- Fill out ① – ⑥ of this form and attach it to Form SC-104.

**① Documents served by mail:**

- a.  SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b.  SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c.  Other (*specify*): \_\_\_\_\_

**② Name and address of the person, business, or public entity served:**

- a. If you served a **person**, write the person's name and address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

- b. If you served a **business or public entity**, write the name and address of the business or public entity, the person authorized for service, and that person's job title:

Business or Public Entity Name	Person Authorized for Service	Job Title
Address: _____		
<small>Street</small>	<small>City</small>	<small>State Zip</small>

- ③** I put copies of the documents listed in ① above in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person, business, or public entity listed in ② and mailed the envelope by leaving it at (*check one*):

- a.  A U.S. Postal Service mail drop *or*
- b.  An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

- ④** I mailed the envelope:

a. On (*date*): \_\_\_\_\_ b. From (*city, state*): \_\_\_\_\_

- ⑤** My address is: \_\_\_\_\_

- ⑥** I declare, under penalty of perjury under California State law, that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*\_\_\_\_\_  
*Server signs here after mailing*

# SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

Business Type:	Sole Proprietorship (Only 1 owner)	Partnership	Landlord	Corporation, Association	Limited Liability Company (LLC), Limited Liability Partnership (LLP), Limited Partnership (LP)	Unknown Business Type
<b>Serve:</b>	The owner	If you are suing a <b>partnership</b> , serve one of the partners.  If you are suing a <b>partnership and</b> the partners, serve each partner.	The property owner or manager ( <i>Read Civil Code sections 1962–1962.7.</i> )	Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary, treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager	Agent for service listed with Secretary of State  To serve a limited partnership, you can also serve the general partner.	Someone who seems to be in charge of the business during normal business hours
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>Business name</li> <li>Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>Partnership name</li> <li>Name of partner, general manager, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Business name (if there is one)</li> <li>Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>Corporation name</li> <li>Name of corporate officer or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Company or partnership name</li> <li>Name of agent or partner for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Business name, form unknown</li> <li>Owner's name and job title (<i>if you know it</i>)</li> </ul>
<b>Check that you have the exact names of the owner and business with:</b>	<ul style="list-style-type: none"> <li>County Clerk–Recorder's or County Tax Assessor's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: <a href="http://www.csac.counties.org">www.csac.counties.org</a>.</li> <li>City Clerk's Office (Ask to see the business license.) Your city's website may have this information.</li> </ul>	County Tax Collector	County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State website: <a href="http://businesssearch.sos.ca.gov/">businesssearch.sos.ca.gov/</a> Or call: <b>1-916-657-5448</b>  <b>OR</b> County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's website may have this information.  <b>OR</b> City Clerk's Office: (Ask to see the business license.) Your city's website may have this information.	Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship.	



**Need help?**

For free help, contact your county's Small Claims Advisor:

[\[space for local info here\]](#)

Or, go to "County-Specific Court Information" at: [www.courts.ca.gov/selfhelp/smallclaims](http://www.courts.ca.gov/selfhelp/smallclaims)

# SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the public agency and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

	City, County, or Public Entity	State of California, State Agency	Federal Agency
<b>Serve:</b>	City or county clerk, chief officer or director of public agency, or agent authorized to accept service	Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814  <i>Exception:</i> if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814	You cannot sue a <b>federal</b> agency in small claims court.
	<b>Important!</b> Before you sue, you must <b>first</b> file a claim with the public entity. Contact it and ask for the claim procedures.	<b>Note:</b> Before you sue, you must first file a claim with the state or the state agency. To file a claim, see: <a href="http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx">www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx</a> or call: <b>1-800-955-0045</b>	
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>Name of city, county, or public entity</li> <li>Name of city clerk, county clerk, chief officer, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Name of the agency you are suing</li> <li>Name of agent for service</li> </ul>	
<b>Check that you have the exact names of the owner and business with:</b>	Call the city or county clerk. See the government pages of your phone book.  Or search under the California Roster at the California Secretary of State website: <a href="http://www.sos.ca.gov/administration/california-roster/">www.sos.ca.gov/administration/california-roster/</a>	Call the agency to confirm the name and address for service. Use the State Directory: <b>1-800-807-6755</b> Or search: <b>cold.ca.gov</b> under "agency information"	



### Need help?

For free help, contact your county's Small Claims Advisor:

[\[space for local info here\]](#)

Or, go to "County-Specific Court Information" at: [www.courts.ca.gov/selfhelp/smallclaims](http://www.courts.ca.gov/selfhelp/smallclaims)

This form is attached to:  Form SC-100 OR  Form SC-120

**1** If you want to file a small claim and you are doing business under a fictitious name (“doing business as,” or “dba”) give the following information. *(Nonprofits and exempt real estate investment trusts do not have to file this form.)*

Business name of the person suing: \_\_\_\_\_

Business address (not a U.S. Postal Service P.O. Box): \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

**2** The business listed in **1** does business as *(check ONLY one)*:

- an individual
- an association
- a partnership
- a corporation
- a limited liability company
- other *(specify)*: \_\_\_\_\_

*You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.*

**3** Name of county where you filed your Fictitious Business Name Statement (dba): \_\_\_\_\_

**4** Your Fictitious Business Name Statement number: \_\_\_\_\_

**5** Date your Fictitious Business Name Statement expires: \_\_\_\_\_

**6** I declare, under penalty of perjury under California State law, that the information above is true and correct. **Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name and title*



\_\_\_\_\_  
*Sign your name*



**Need help?**

Your county's Small Claims Advisor can help for free.

\_\_\_\_\_  
\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Request

This form is used to ask the court to make an order before or after the trial in a small claims case. The court will notify all plaintiffs and defendants in this case about its decision by mail, at the trial, or at a hearing (depending on when the request is filed).

If you are the person asking the court to make an order, ask the Small Claims Advisor if this is the right form for the kind of order you want. If so, follow these steps:

- 1 Fill out page 1 of this form and file it at the clerk's office.
2 If you are making this request before your trial, you must mail (or deliver in person) a copy of this form to all other plaintiffs and defendants in your case.
3 If you are making this request after the judge has decided your case, the clerk will mail a copy of this form to all other plaintiffs and defendants in your case.

If you receive this form, read below, then fill out 7-10 on page 2.

1 The person asking the court to make an order is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- Check one: [ ] A defendant in this case [ ] A plaintiff in this case [ ] Other (explain): \_\_\_\_\_

2 Notice to: (List names and addresses of all other defendants and plaintiffs in your case.)

Name Address

- a. \_\_\_\_\_
b. \_\_\_\_\_
c. \_\_\_\_\_

[ ] Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 2" on top.

If your request is made before the trial and after the claim was served, fill out below:

I [ ] mailed [ ] delivered in person a copy of this form to everyone listed in 2 on (date): \_\_\_\_\_

3 I ask the court to make the following order (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 3" on top.

4 I ask for this order because (explain and give facts of your case here):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 4" on top.

5 In making its order, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.

6 I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

Type or print your name

Sign your name



Clerk stamps date here when form is filed.

Answer

The person listed in 1 on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- 1 Read page 1 to see what the person in 1 is asking for.
1 Fill out 7-10 below.
1 Mail your completed form to the court right away.
1 Mail a copy of this form to each plaintiff and defendant listed in 1 and 2 on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

7 The person filing this answer is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one: [ ] A defendant in this case [ ] A plaintiff in this case

8 Tell the court what you want to do about this request.

(Check all that apply):

- a. [ ] I agree to the order requested in 3.
b. [ ] I do not agree to the order requested in 3. (Explain below:)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

[ ] Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.

c. [ ] I ask the court to have a hearing to decide this matter.

9 I mailed a copy of this form to everyone listed in 1 and 2 of this form on (date): \_\_\_\_\_

10 I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

Type or print your name



Need help?

For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Sign your name

If the request on page 1 was made after the hearing, the clerk fills out below.

—Clerk's Certificate of Mailing—

I certify that I am not involved in this case and (check one):

- [ ] A Certificate of Mailing is attached.
[ ] The Request for Court Order and Answer was mailed first class, postage paid, to all parties at the addresses listed in 2.

On (date): \_\_\_\_\_

From (city): \_\_\_\_\_, California

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

- 1 The court has received and considered (check all that apply):
- Request for Court Order and Answer, Form SC-105 (page 1) filed on: \_\_\_\_\_
  - Answer on Request for Court Order and Answer, Form SC-105 (page 2) filed on: \_\_\_\_\_
  - Other (specify): \_\_\_\_\_

Clerk fills in court name and street address:

**Superior Court of California, County of**

- 2 The court makes the following orders:
- a.  The request is granted.
  - b.  The request is denied.
  - c.  **You must go to court if you want to be heard.**  
A hearing on this request is scheduled as follows:

<b>Hearing Date</b>	→ Date	Time	Dept.
	Name and address of court if different from above		
_____			
_____			

Clerk fills in case number and case name below:

**Case Number:**

**Case Name:**

- d.  Bring evidence to the hearing to support your request.
- e.  Other orders (specify): \_\_\_\_\_

- f.  Explanation for decision (if any): \_\_\_\_\_

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
(Judge or Judicial Officer)

— Clerk’s Certificate of Mailing —

- I certify that I am not involved in this case and (check one):
- A Certificate of Mailing is attached.
  - This Order was mailed first class, postage paid, to all parties at the addresses listed in ① and ② on the Request for Court Order and Answer.

On (date): \_\_\_\_\_

From (city): \_\_\_\_\_, California

Clerk, by \_\_\_\_\_, Deputy



**Need help?**

For free help, contact your county’s Small Claims Advisor:

Or, go to “County-Specific Court Information” at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



**Requests for Accommodations** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). Civil Code, § 54.8

**This is a Court Order.**

This form is used to tell the court you are authorized to appear for a plaintiff or defendant in a small claims case. You may also use this form to ask the court for permission to help a plaintiff or defendant who cannot properly speak for himself or herself.

You cannot appear for a defendant or plaintiff if your only job is to represent him or her in small claims court. If you are a lawyer, you can appear only as authorized by section 116.530 of the Code of Civil Procedure.

Fill out ① – ④ on this page, then file it with the small claims clerk at or before the trial.

Clerk stamps date here when form is filed.

Fill in court name and street address:  
**Superior Court of California, County of**

Fill in your case number and case name below:  
**Case Number:**  
  
**Case Name:**

**① List the name, address, and position of the person appearing:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Job title or relationship to the defendant or plaintiff you want to appear for: \_\_\_\_\_

**② Who are you appearing for?**

A defendant in this case (name): \_\_\_\_\_  
 A plaintiff in this case (name): \_\_\_\_\_

**③ Tell us about the defendant or plaintiff you are appearing for.**

I am appearing for a (check one):

- Corporation** and I am an employee, officer, or director of that corporation.
- Partnership** and I am an employee, officer, director, or partner of that partnership.
- Other business** (not a corporation, partnership, or sole proprietorship) and I am an employee, officer, or director of that business.
- Government agency or other public entity** and I am an employee, officer, or director of that agency or entity.
- Sole proprietorship** and I am an employee of that business. I am qualified to testify about business records made in the regular course of business at or near the time of the event. The content of the business records is the only issue in this case. (*Evidence Code, § 1271*).
- Plaintiff who was assigned to out-of-state active duty in the U.S. armed forces for more than 6 months** after filing this claim. I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- Defendant or plaintiff who is in a jail, a prison, or another detention facility now.** I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- Owner of rental property in California** who employs me as a property agent. This claim is about the rental property I manage.
- Association** created to manage a common interest development and I am an agent, management company representative, or bookkeeper for that association.
- Husband or wife** and my spouse and I are both listed on this claim and agree that either spouse can appear for the other.
- Other (explain):** \_\_\_\_\_

**④ I declare under penalty of perjury under California state law that the information above is true and correct.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

Case Number: _____
--------------------

See instructions on other side.

This form is attached to the document checked in **(2)** below.

**1 Server's information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street or mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check here if you are a registered process server, and write:  
County where registered: \_\_\_\_\_ Registration #: \_\_\_\_\_

**2 Form or document served**

- a.  Form SC-105, *Request for Court Order and Answer*
- b.  Form SC-109, *Authorization to Appear*
- c.  Form SC-114, *Request to Amend Claim Before Hearing*
- d.  Form SC-133, *Judgment Debtor's Statement of Assets*
- e.  Form SC-150, *Request to Postpone Trial*
- f.  Form SC-221, *Response to Request to Make Payments*
- g.  Other document allowed to be served by mail (specify):  
 Check here if there is not enough space below to list the document served. List the document on a separate page, and write "SC-112A, Item 2" at the top.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3 Server's declaration**

- a. I am 18 or older. I am not a party to this small claims case. I live or work in the county where I did the mailing described below.
- b. I placed copies of the document checked in **(2)** and an unsigned copy of this page in a sealed envelope, addressed as follows:  
 Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.

Name of party served	Mailing address on the envelope

c. On (date of mailing): \_\_\_\_\_ I placed each envelope in the mail, with postage paid, at (city and state of mailing): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*

 \_\_\_\_\_  
*Server signs here*

# Instructions for Form SC-112A, *Proof of Service by Mail*

(This page is **not** part of the *Proof of Service* and does not need to be copied, served, or filed.)

## Form SC-112A can be used to show the court that these documents were served by mail:

- Form SC-105, *Request for Court Order and Answer*
- Form SC-109, *Authorization to Appear*
- Form SC-114, *Request to Amend Claim Before Hearing*
- Form SC-133, *Judgment Debtor's Statement of Assets*
- Form SC-150, *Request to Postpone Trial*
- Form SC-221, *Response to Request to Make Payments*
- Other documents that are allowed to be served by mail

## Form SC-112A cannot be used to prove service of these forms:

- Form SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- Form SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*

For information about serving these forms, see Form SC-104, *Proof of Service*, and Form SC-104B, *What Is "Proof of Service"?*

## The server (the person who will do the mailing):

- **Must not** be a party (plaintiff or defendant) in the case
- **May** be a friend, relative, co-worker, or other helpful person
- **Must** be 18 or older
- **Must** live or work in the county where the mailing takes place

## Follow these steps to use Form SC-112A:

### 1. Prepare Form SC-112A by filling in:

- The case number
- The document to be served, in item ② \*
- The names and addresses of the parties to be served, in item ③

\*Prepare a separate Form SC-112A for each document to be served.

### 2. Give the server:

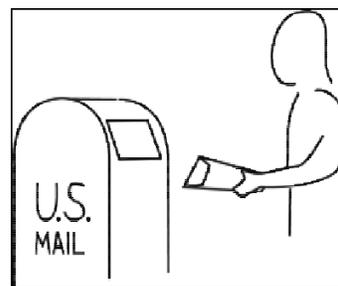
- The partially completed Form SC-112A
- One copy of the document to be served for each party to be served

### 3. Ask the server to:

- Fill out the remainder of the Form SC-112A.
- Mail *each party to be served*:
  - An unsigned copy of the completed Form SC-112A and
  - The document to be served (checked in Item ②).
- Sign a separate Form SC-112A for each document served, and give it to back you.

### 4. File these papers with the small claims court clerk:

- The original of each document served, with
- The signed, original *Proof of Service by Mail* attached



## Need help?

For free help, contact your county's Small Claims Advisor:

Or go to "County-Specific Court Information" at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims).



# SC-150

# Request to Postpone Trial

Clerk stamps here when form is filed.

See instructions on other side.

① My name is: \_\_\_\_\_

Mailing address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

I am a (*check one*):  plaintiff  defendant in this case.

② My trial is now scheduled for (*date*): \_\_\_\_\_

③ I ask the court to postpone my trial until (*approximate date*):

\_\_\_\_\_

④ I am asking for this postponement because (*explain*):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 5" at the top.

\_\_\_\_\_

\_\_\_\_\_

⑥ **Has your claim been served by a method allowed by law?** (See form SC-104B, What Is "Proof of Service"?, for information about how the claim can be served. Check and complete all that apply):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 6" at the top.

a.  No. I am a defendant and have not filed a claim in this case.

b.  Yes. The parties listed below have been served:

(1) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
*name county date*

(2) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
*name county date*

c.  No. The parties listed below have not been served (*list names*):

(1) \_\_\_\_\_ (2) \_\_\_\_\_

d.  I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (*list names*):

(1) \_\_\_\_\_ (2) \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Sign here

# Instructions for Form SC-150, *Request to Postpone Trial*

(This page is **not** part of Form SC-150 and does not need to be copied, served, or filed.)

## Who can use this form?

- Anyone who filed a small claims case and wants to postpone or reschedule the trial for any good reason, including because he or she has not served all of the defendants
- Anyone who was sued in a small claims case and wants to postpone or reschedule the trial for any good reason

## Do I have to use this form?

No. You may write a letter instead of using this form. Your letter should explain why you want to change your court date and include the other information that is requested on this form.

## How do I ask for a postponement?

- Fill out Form SC-150, *Request to Postpone Trial*, (on the other side of these instructions), or write a letter that includes the information requested on this form.
- Have all other parties in your case served with a copy of your request. You may serve by mail or in person. Use Form SC-104, *Proof of Service*, or Form SC-112A, *Proof of Service by Mail*.
- File your request and the completed *Proof of Service* with the small claims court clerk. You may have to pay a \$10 fee, depending on when (or if) the claim was served. If you cannot afford to pay a required fee, see Form FW-001-INFO, *Information Sheet on Waiver of Superior Court Fees and Costs*.

## How will I know the court's decision?

**If the court postpones the trial**, the court will mail a notice with the new hearing date to all plaintiffs and defendants in this case.

**If the court does not postpone the trial**, the trial will be on the date when it is currently scheduled. The court will notify the person who filed the *Request*.

**If you do not hear from the court**, you should go to court on the scheduled trial date.



## Need help?

For free help, contact your county's small claims advisor:  
[local info here]

Or go to "County-Specific court Information" at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps here when form is filed.

On (date): \_\_\_\_\_ (name): \_\_\_\_\_

filed a request to postpone the trial in this case.

The court orders:

1  **The Request to Postpone Trial is approved, and the court orders** the trial is postponed as indicated in 3 .

2  **The Request to Postpone Trial is denied because:**

- a.  The Request did not include a good reason for the postponement.
- b.  The Request was not filed at least 10 days before the hearing and did not include a good reason for the late request.
- c.  The required \$10 filing fee was not paid.
- d.  Other: \_\_\_\_\_

Fill in the court name and street address:

**Superior Court of California, County of**

Fill in your case number and case name:

**Case Number:**

**Case Name:**

Continued on Attachment SC-152, item 2(d).

3 **The trial will be held as follows:**

**Trial Date**

g \_\_\_\_\_ Time: \_\_\_\_\_ Dept. \_\_\_\_\_

Name and address of court if different than address above:



**Request for Accommodations** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk’s office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

4 **The clerk will mail a copy of this order to:**

- a.  The person who asked for the postponement.
- b.  All plaintiffs and defendants at the addresses listed in the court’s records.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial officer



**Need help?**

For free help, contact your county’s small claims advisor:

[local info here]

Or go to “County-Specific Court Information” at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

*Clerk stamps here when form is filed.*

See instructions on other side.

To the court clerk:

① My name is: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

② I am the (check one):  
a.  Judgment creditor.  
b.  Assignee of record.  
③ I acknowledge that the judgment owed to (name): \_\_\_\_\_

was paid or otherwise satisfied on (date): \_\_\_\_\_  
as follows (check and complete one):

- a.  The judgment has been fully paid or satisfied as to all judgment debtors.
- b.  The judgment has been fully paid or satisfied as to these judgment debtors only (names and addresses of judgment debtors who have fully paid or satisfied judgment):

*Fill in the court name and street address:*

**Superior Court of California, County of**

*Fill in your case number and case name:*

**Case Number:**  
\_\_\_\_\_  
**Case Name:**  
\_\_\_\_\_

(1) Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
*Street City State Zip*

(2) Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
*Street City State Zip*

(3) Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
*Street City State Zip*

(4) Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
*Street City State Zip*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Judgment creditor or assignee signs here*

## Instructions for Form SC-290, *Acknowledgment of Satisfaction of Judgment*

(This page is not part of the *Acknowledgment of Satisfaction of Judgment* and does not need to be copied, served, or filed.)

### ***Warning to the judgment creditor or person to whom the judgment has been assigned!***

- When a small claims judgment has been fully paid or satisfied, you must file an *Acknowledgment of Satisfaction of Judgment* with the small claims court immediately.
- If the *Acknowledgment* is not filed within 14 days after the judgment debtor requests it, you may have to pay the judgment debtor damages and a penalty.

### **Use Form SC-290 to acknowledge payment of a small claims judgment if:**

- You are the judgment creditor (or assignee), and the judgment debtor has paid the full judgment (or satisfied it in another way), and
- Form EJ-001, *Abstract of Judgment—Civil and Small Claims*, has NOT been recorded for this judgment.

### **Use Form EJ-100 to acknowledge payment if:**

- The judgment debtor has paid only part of the judgment, or
- Form EJ-001, *Abstract of Judgment—Civil and Small Claims*, has been recorded.



#### **Need help?**

For free help, contact your county's small claims advisor:

[local info here]

Or go to “County-Specific Court Information” at [www.courtinfo.ca.gov/selfhelp-smallclaims](http://www.courtinfo.ca.gov/selfhelp-smallclaims)

First, read the court's decisions on Form SC-200, *Notice of Entry of Judgment*. It will tell you the court's judgment in this case. Then read this form. It will help you protect or enforce your rights, whether you won or lost the case.

**Warning!** You may lose important rights if you do not act within 30 days after the court handed or mailed you Form SC-200, *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

**If the court did not award you any money on a claim that you filed...** The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

**If the court ordered you to pay money...**

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

**Warning!** If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment was handed or mailed to you*, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

**After you pay the judgment in full**, you can ask the judgment creditor to file a form saying the judgment is paid. (See Form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

**If you disagree with the judgment ordering you to pay money and you went to the small claims trial**, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 2)

**If the court ordered the other side to pay you...**

You are the *judgment creditor*. You must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to [www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm).

**Important!** The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

**Ask the judgment debtor to pay you the money.** If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

**If the judgment debtor does not pay, you can find out about the debtor's income or property** that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

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## If the court ordered you to pay money...

(continued)

**If you disagree with the judgment ordering you to pay money, and you did not go to the trial,** you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment*, **within 30 days\*** after the *Notice of Entry of Judgment and Declaration* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

*\*Exception:* If the claim against you was not properly served, you have **180 days** from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

**Unless you pay the judgment or file an appeal or a motion** as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the Notice of Entry of Judgment.

**Warning!** If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

## If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

**Once you know about the judgment debtor's income and property,** you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

**You can also put a lien on the judgment debtor's house or other real estate.** To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

**After the judgment has been paid in full,** you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

**Warning!** If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

**You may need to pay fees** to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



### Need help?

For free help, contact your county's small claims advisor:

[local info here]

Or go to "County-Specific Court Information" at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)