



Small Claims Cover Sheet

Do You Have All the Forms You Need to File Your Claim?

Rev 5/22/2014

This packet contains all the forms you need to file if you are filing the claim as an individual.

After reading all the attached instructions you should be able to complete the forms necessary to file your claim without any problem. In most cases you will only need to complete page 2 of 5 and 3 of 5 of the SC-100 to start your claim.

All 5 pages of the SC-100 and any attachments must be returned to the court clerk for filing.

If your claim has more than two Plaintiffs or Defendants you will need to add form *SC-100A (Other Plaintiffs or Defendants)* to your claim. Please note a husband and wife are two separate persons and must be listed on separate lines.

If you are filing as a business and you are doing business under a fictitious name, you will also need a *Fictitious Business Name Declaration, Form SC-103*.

You will need to serve the documents after you have filed them with the court. After you get the paperwork served, you must complete and return the *Proof of Service, form SC-104* to the filing clerk at your courthouse. For more information on service, look at *SC-104B (What is Proof of Service?)* and *SC-104C (How to Serve a Business or Public Entity)*

The answers to many commonly asked questions and instructions on completing the SC-100 and other forms can be found on the court's self-help website www.courts.ca.gov/selfhelp or <http://turbocourt.com> If you still have questions you can email the Small Claims Advisor at smallclaims@sb-court.org or call them at (800) 634-9085 or (909) 708-8606, or, by visiting a Resource Center in Fontana, Victorville, or Barstow.

**NOTE: Plaintiff's Claim (SC-100) must be typed or printed neatly using black ink.
Return the "Original" and your copies to the clerk for filing.**

Filing Fees



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|--|-------------------------|
| Claims for \$1,500.00 or less | \$30.00 |
| Claims from \$1,500.01 to \$5,000.00 | \$50.00 |
| Claims from \$5,000.01 to \$10,000.00 | \$75.00 |
| Persons or Business who have filed more than 12 claims in CA in the previous 12 mos. | \$100.00 |
| Service of Documents by Certified Mail | \$15.00 (per defendant) |
| Notice of Appeal | \$75.00 |
| Writ | \$25.00 |
| Abstract | \$25.00 |
| Order of Examination | \$60.00 |
| Motion to Vacate | \$20.00 |
| Request to Postpone Hearing pursuant to CCP 116.570(d) | \$10.00 |

NAMING OF DEFENDANT

If you are suing a business, you will need to properly name their business as a defendant. A company name by itself does not properly identify a party. You must also have the correct information of who to serve documents at the business. To properly name the business you will need to know if the business is a sole proprietorship, a partnership, or a corporation. You can generally find this information by business licensing for the city where the business is located. If the business is a corporation, you will need to know the name of the officer of the corporation, President, Vice-President, Secretary, or Treasurer. If you do not have the name of one of the corporate officers, you can locate their Agent for Service of Process on the California Secretary of State website (online business search): <http://kepler.sos.ca.gov/>

Service

Every Defendant should be served, and, a separate Proof of Service must be filed for each Defendant. ***Your case will not be heard unless you serve your claim and file your completed Proof of Service with the court clerk at least 5 Days before the hearing date!**

If the Defendant resides in San Bernardino County, he/she must be served prior to the court date as follows:

- If the Defendant lives within the county, they must be personally served no later than fifteen (15) days prior to the court date.
- If the Defendant lives outside the county, they must be personally served no later than twenty (20) days prior to the court date.

If the person you are serving is not home, you can leave the documents with a person 18 years of age or older. This is called substituted service and must be served prior to the court date as follows:

- If the Defendant lives within the county, they must be served by substitution no later than twenty-five (25) days prior to the court date.
- If the Defendant lives outside the county, they must be served by substitution no later than thirty (30) days prior to the court date.

Re-set Hearing Date for Service

If you are unable to serve the Defendant(s) with the Plaintiff's Claim and Order before the court date you must request a reset within at least five days before the scheduled hearing date. If you do not reset your case at least five (5) days before the court date, or, appear at the hearing, the court will dismiss your case without prejudice. You will receive no further notice regarding this dismissal. If the court dismisses your

case, you will have to start your case over. Please note there is no charge for your first request to reset; however, a \$10.00 charge applies to any additional request. You must bring all copies of the Plaintiff's Claim and Order to the court clerk's office when requesting a reset. (Note: This **does not apply** to an **Order to Appear for Examination Hearings** or **Judgment Debtor examinations**.)

Request to Postpone (Continue) Small Claims Hearing

If the defendant has been served, but a party needs a continuance, you may submit a request for continuance and it must be made in writing at least ten (10) days before the court date. You can only request one continuance by the clerk. The court will charge a \$10.00 fee for rescheduling your hearing.

Complete the *Request to Postpone Trial form (SC-150)* and serve a copy by mail to all parties in the case. You will also need to complete a *Proof of Service* form verifying that you mailed out a copy of the *Request to Postpone* to the other party. (Form *SC-104* or *SC-112A*) File the "original" *Request to Postpone Trial*, *Order on Request to Postpone Trial (SC-152)*, and *Proof of Service* forms with the court clerk's office and include a copy to be stamped for your records. The clerk will set a new date and send notice to all the parties of the court's order by mail on the *Order on Request to Postpone Trial form SC-152*. (Note: Form *SC-150* **does not apply** to *Order to Appear for Examination Hearings* or *Judgment Debtor examinations*)

INTERPRETERS

You must provide your own interpreter if one is needed for Small Claims Court. Usted debe proporcionar a su propio intérprete si uno es necesario en corte.

SMALL CLAIMS ASSISTANCE

Still have questions, you can receive assistance with your claim three ways:

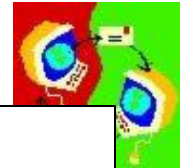


By Phone:

(800) 634-9085 (909) 708-8606

By Email:

smallclaims@sb-court.org



The Small Claims Advisor is also available to assist you in person at:

The Superior Court of California, Fontana Resource Center

17780 Arrow Boulevard, 2nd Floor, Fontana CA 92335

Monday-Thursday 8:30 AM- Noon/1:00-3:00pm

The Superior Court of California, Victorville Resource Center

14455 Civic Drive, Victorville, CA 92392 (near V9)

Monday- Thursday 8:30 AM – Noon / 1:00-3:00pm *Monday – Brief Services only*

The Superior Court of California, Barstow Resource Center

235 East Mountain View St. Room 109, Barstow, CA 92311

Tuesdays only, 9:00 AM – Noon, 1:00-3:00pm



Please use this form to dismiss the Plaintiffs claim if it is settled before the hearing date. Return this form to the Court three days prior to the scheduled hearing date.

| | |
|---|-----------------------|
| Short Title: _____ VS. _____ | Case Number: _____ |
| Hearing Date: _____ / _____ / _____ Time: _____ Dept: _____ | _____ |

REQUEST FOR DISMISSAL

TO THE CLERK:

Please dismiss (check one box):

Entire Action Plaintiff's Claim Only Defendant's Claim Only

as follows (check one box):

WITH PREJUDICE (You cannot sue the same defendant again for the same cause of action.)

WITHOUT PREJUDICE (You may sue again on the same cause of action.)

Dated: _____

Signature of Plaintiff

Print Name: _____

If a Defendant's Claim has been filed, the Defendant must also sign to dismiss the entire action.

Dated: _____

Signature of Defendant

Print Name: _____