

*judgment.* If not paid in full within 30-days, costs of Collection will be added to the judgment. This judgment bears interest at 12%.

Remember, the legal process assistant cannot give you legal advice. You may wish to consult an attorney at this point. In the alternative, upon payment of \$20.00, you will receive a transcript of the judgment which you can file in Okanogan County Superior Court for a fee of \$20.00. When this is done, it places a lien against all real estate in the name of the judgment debtor which is located in the county.

## APPEALING THE CASE

No appeal is allowed from a judgment where the amount claimed was less than \$250. No appeal shall be permitted by the plaintiff where the amount claimed was less than \$1,000. If an appeal is taken to Okanogan County Superior Court, the appealing party is required to follow the procedures set out in Revised Code of Washington (RCW) 12.36. The following steps must be taken *within 30 days* of the entry of judgment:

1. Prepare a written **Notice of appeal**;

2. File the original of the Notice of Appeal in District Court and provide a copy of that Notice to the other parties. File an acknowledgment or affidavit of service with District Court for the copies served;

3. Pay to District Court a \$230 Superior Court filing fee, and a \$40 cost of appeal preparation fee.

4. Post bond in a sum equal to twice the amount of the judgment and costs, or twice the amount in controversy, whichever is greater, (cash or surety) at District Court.

An appeal packet may be obtained from the District Court.

When the appeal and bond are transferred to Superior Court, the appellant (person appealing the decision) may request that the Superior Court suspend enforcement of the judgment until after the appeal is heard.

Within 14 days of filing the Notice of Appeal, the District Court clerk will transmit the court record to the Superior Court clerk who will assign a new number and notify the District Court. The District Court legal process assistant will advise the appellant of the Superior Court number, and the appellant must then contact the Superior Court for further instructions.

Once the judgment has been appealed to the Superior Court, the enforcement of any judgments entered in the case will be handled in Superior Court in the same manner as any other Superior Court judgment.

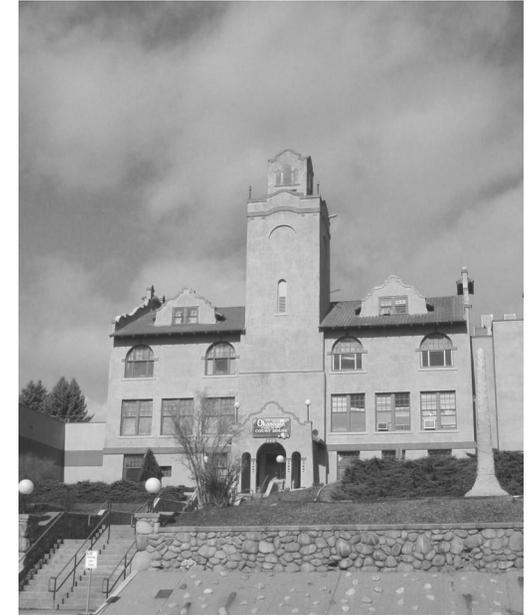


*Judge*  
Charles D. Short



*Judge*  
Robert W. Grim

# SMALL CLAIMS COURT



*Prepared by*

## OKANOGAN COUNTY DISTRICT COURT

Okanogan County Courthouse  
149 N. Third Ave.  
P.O. Box 980  
Okanogan, WA 98840

## INTRODUCTION

The Small Claims Department of Okanogan County District Court can be used for the recovery of money only where the amount claimed does not exceed \$5,000.

## WHERE TO FILE

To start a case in the Small Claims Court, you (plaintiff) must either file the case in the district where the party (defendant) you wish to sue resides or, in the case of a traffic accident or similar incident, in the district where the accident occurred. The clerk of the court will be able to tell you whether a particular address is within the boundaries of the court that you have contacted.

## FILING A CLAIM

A Notice of Small Claim form is provided by the court and must be signed by the plaintiff. The legal process assistant will assist you with procedure, but is not allowed to give legal advice or to attempt to predict how the judge might rule in a given situation.

At the time of filing you must pay a fee of \$29.00. You are then given a trial date, furnished a copy of your Claim form for your records, and given a copy of the Claim form to be served upon the defendant. It is the responsibility of the plaintiff to accurately identify the defendant (either as an individual, a corporation, or as one or the other doing business under an assumed name) and designate the proper address of the defendant and, if possible, his or her telephone number. *It is also the responsibility of the plaintiff to see that the Claim form is served upon the defendant.* The defendant may counterclaim against the plaintiff for any money he/she believes the plaintiff owes him/her, but this must be done immediately upon receipt of the claim of the plaintiff. The counterclaim filing fee is \$29.00.

## PRE-TRIAL MEDIATION

District Court provides access to mediation on your court date. The Okanogan County Dispute Resolution Center provides this valuable service. Parties have greater control in the outcome through the more informal mediation process. Greater satisfaction is often reached because there is access to more flexible remedies that are not available in court. If the matter is not resolved at mediation, then the parties will be directed back to court in the afternoon for trial. The parties should use this time to make copies for the opposing party of exhibits and materials they plan to present at trial. If both parties wish to begin mediation prior to their court date, they can contact the Dispute Resolution Center at 826-1776.

## SERVICE OF CLAIM

Service of the Claim form can be accomplished by any of the following:

1. The Sheriffs Office;
2. A process server;
3. Any person of legal age (18) who is not connected with the case either as a witness or as a party;
4. By mailing the copies to the defendant by registered or certified mail, restricted, with a return receipt request.

With mail service, you must file the postal receipt bearing the defendant's signature with the court.

The Notice of Claim **must be served at least 10 days prior to the trial date.** You cannot personally serve the copies of your Claim form. After service (other than mail service) is completed, an affidavit of service must be signed by the server and filed with the court. An affidavit of service states in writing the following:

- The date the Claim form was served;
- Upon whom it was served;
- Address where served;
- The name of the person who did the serving.

The person who does the service must sign the affidavit before a Notary Public, or sign a certification in lieu of a notarized statement.

## SETTLEMENT BEFORE TRIAL

It is recommended that either the plaintiff or the defendant contact the other party prior to the trial to try to settle your differences. If your claim is settled before trial, please notify the court in writing so the case may be dismissed.

## LEGAL ADVICE

The clerks and other court personnel are not permitted to give you legal advice as to any aspect of your case. It is against the law to do so. They will provide you with the Notice of Small Claim and certain other basic forms, and they will file these for you and set a date for your trial. They cannot fill these forms out for you, answer legal questions, or give instructions as to the conduct of your case.

While an attorney is not permitted to represent you at the trial of a small claims action, he or she may provide you with assistance in preparing your case and/or in collecting any judgment which may be obtained. Depending upon your experience and the nature of your case, it may be advisable to seek the assistance of trained legal counsel.

## PREPARING FOR TRIAL

The trial in the Small Claims Court is between the plaintiff and the defendant and no attorneys are allowed to represent either side except in certain cases where advance permission is obtained from the judge. Both parties must prepare their case and bring those witnesses or other evidence such as documents, records, photographs, or drawings to court to support their claim or defense. You must also bring copies of all documents and exhibits for the opposing party. Court procedures for case presentation apply even though the hearing is informal. Court procedures for the presentation of evidence may differ from court to court, and you should ask the court clerk if you have any questions. Witnesses must have personal knowledge of the facts they are asked to testify about. Documents, records, photographs, and/or drawings must generally be identified and explained by a person with personal knowledge of them.

If the defendant fails to appear for trial, the plaintiff may be granted a default judgment for the amount of the claim proved in court, provided the plaintiff can show proof of service. If a judgment is entered by default, however, the court cannot award an amount which is greater than the amount which was originally requested in the Notice of Small Claim. If the court orders judgment against the defendant, or if the defendant has filed a counterclaim and is granted judgment against the plaintiff, it is the duty of the losing party to pay without any delay. When both parties are present, either party can request the court to order a payment plan. Payments would be forwarded direct to the party awarded the judgment. After you receive payment you *must* notify the court in writing that the judgment has been satisfied. The lower portion of your judgment form is designed for this purpose.

## COLLECTING THE JUDGMENT

A money judgment in your favor does not necessarily mean that the money will be paid. The Small Claims Court does not collect the judgment for you. If no appeal is taken and the judgment is not paid within 30 days or the time set by the court in the payment plan, you may request (in writing) that the judgment be entered in the civil docket of the court. At that time you may proceed with a method of collection such as garnishment of wages, bank accounts, and other monies of the defendant or an execution may be issued on cars, boats, or other personal property of the judgment debtor. *You may request the amount of the judgment be increased by the amount you incur in collecting your*