

SMALL CLAIMS FILING INFORMATION

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE

CLEARLAKE DIVISION
 7000A S. Center Drive
 Clearlake, CA 95422
 (707) 994-6598

GENERAL INFORMATION

The dollar limits and filing fees for small claims cases changed on January 1, 2006. See Code of Civil Procedure (CCP) sections 116.110-116.950. You can find these laws at www.leginfo.ca.gov/calaw.html or at the Lake County Law Library: 255 N Forbes St., Lakeport 95453; (707)263-2205; M-F 12:30 p.m. – 4:30 p.m. You can get the small claims forms you need from the court clerk or at www.courts.ca.gov/forms. For online help filling out your court forms, visit www.ezlegalfile.org/ and click on “small claims.” For information about who must appear at the small claims hearing, see CCP section 116.540 and use form SC-109 in appropriate cases. Please note there are different rules for “natural persons” and other entities regarding how much can be claimed by the plaintiff or claimed in a counterclaim. All plaintiffs are limited to two claims per calendar year that are for more than \$2,500.

If you are a:	and the amount you want to ask for is between ...	Your filing fee will be:
Natural person <i>(this includes sole-proprietors)</i>	\$0 and \$1,500	\$30 per case
	\$1,500 and \$5,000	\$50 per case
	\$5,000 and \$7,500	\$75 per case
Other person(s) <i>(this includes corporations, limited companies, limited partnerships)</i>	\$0 and \$1,500	\$30 per case
	\$1,500 and \$5,000	\$50 per case
	\$5,000 and \$7,500	DOES NOT APPLY
If you file more than 12 cases in a 12 month period of time, the filing fee is:		\$100 per case

EXAMPLES OF CASES HEARD IN SMALL CLAIMS

Claims for money damages as a result of car accidents, vehicle sales, car repairs, contract disputes, fence disputes, landlord/tenant disputes, personal injury, property damage, theft, trespass, nuisance, etc.

SOMEONE WHO IS NOT CONNECTED TO THE CASE MUST SERVE YOUR CLAIM ON THE DEFENDANT:

You must have the “Plaintiff’s Claim and Order to Defendant” (form SC-100) served on the defendant at least 15 days before the trial date (20 days if the defendant lives or does business outside the county). See CCP 116.340(b). Service is explained in more detail in form SC-104B. If the defendant is a business, see form SC-104C. These forms are available at www.courts.ca.gov/forms. The court clerk can serve the defendant by mail for a \$15 fee. If defendant is personally served, use form SC-104. If you use substituted service you should also use form SC-104A.

GET A NEW COURT DATE IF YOU NEED MORE TIME TO SERVE THE DEFENDANT:

If you have not served any defendant named in the case, you may ask for a new trial date either in writing or by going to the small claims counter in person. Your request must be received by the court at least 3 court days before the scheduled trial date. There is no fee.

EITHER PARTY CAN ASK FOR A LATER HEARING DATE:

If any defendant has been served, a party that wants the trial moved to a later date must ask for this in writing. There must be a good reason, and a \$10.00 fee will be charged. The person asking for a later hearing must either mail or deliver a copy of the request to all other parties in the case. The request must be received by the court at least 10 calendar days before the hearing date. Form SC-110 “Request to Postpone Small Claims Hearing” and form SC-111 “Order on Request to Postpone Small Claims Hearing” are available online at <http://www.courts.ca.gov/forms> or at the court clerk’s office.

ANY QUESTIONS?

Legal assistance is available through the Lake County Small Claims Legal Advisory at (707) 994-6598. The office is located at 7000-A South Center Drive, Clearlake, CA 95422. Office hours are Monday and Tuesday (8:30am – 4:00pm) and Wednesday (8:30am to 12:00 pm). Please be advised that court clerks are not allowed to answer legal questions. All correspondence to the small claims court must contain the case number and show that a copy was sent to all parties in the case.

MORE SMALL CLAIMS INFORMATION IS AVAILABLE ONLINE AT:

www.courts.ca.gov/selfhelp/smallclaims/

www.dca.ca.gov/smallclaims/

Helpful Websites and Information

1. To properly name a business defendant, check the **Lake County Clerk's office** to check fictitious business name (FBN) filings and for recorded documents: 255 North Forbes St, Lakeport, CA 95453; (707) 263-2311
2. Confirm corporate / limited liability company / limited partnership name and the name & address of the agent for service of process at the **California Secretary of State** database: <http://keplet.ss.ca.gov/list.html>
3. Check the local municipality city hall for business license information to determine the owner of the business.
4. Check to see if the other party owns real estate or check to see who owns a particular parcel of real estate, contact the **Lake County Assessor's Office** at 255 North Forbes St, Lakeport, CA 95453; (707) 263-2302; Assessor@co.lake.ca.us
5. Small Claims forms and forms for collection: www.courts.ca.gov/forms
6. Research California statutes: www.leginfo.ca.gov/calaw.html
7. Research California case law: www.lexisnexis.com/clients/CACourts/
8. Find consumer information and the ability to file administrative complaints for many licensed professions at the **California Dept. of Consumer Affairs**: www.dca.ca.gov/ or **800-952-5210**
9. Research contractor license information and contractor bond information (license status check) at the **Contractor State License Board**: www.cslb.ca.gov/consumers/default.asp
10. Research information about a home inspector at the **Structural Pest Control Board**: www.pestboard.ca.gov/
11. Research information about a real estate licensee at the **Department of Real Estate**: www.dre.ca.gov/consumers_sub.htm
12. **Collect your judgment**: www.courts.ca.gov/selfhelp/smallclaims/collect.htm