

SMALL CLAIMS FILING PACKET

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

CONCORD
2970 Willow Pass Rd,
Concord, CA 94519
(925) 646-5410

PITTSBURG
45 Civic Avenue
Pittsburg, CA 94565
(925) 427-8158

RICHMOND
100 37th Street, Rm. 185
Richmond, CA 94805
(510) 374-3137

WALNUT CREEK
640 Ygnacio Valley Road
Walnut Creek, CA 94596
(925) 646-6579

GENERAL INFORMATION

You may file an unlimited number of claims for \$2,500 or less during any calendar year. You may file two claims for up to \$5,000 per calendar year. The cost of filing a case is \$22.00 unless you have filed 12 or more cases in the previous 12 months, then the filing fee is \$66.00 per case. If you are a business that uses a fictitious business name, you must also file an SC-103 form. The form is available at the court clerk's office or at www.courtinfo.ca.gov/forms. The procedures relating to the small claims cases are found in the Code of Civil Procedure. (CCP) Sections 116.110 through 116.950. These statutes can be found online at www.legalinfo.ca.gov/calaw.html. For information about who must appear at the small claims hearing, see CCP section 116.540 and use form SC-109 in appropriate cases.

SERVICE ON DEFENDANT

The defendant must be served with the "Plaintiff's Claim and Order to Defendant" (form SC-100) at least 15 calendar days before the trial date (20 days if the defendant is located outside the county where the case has been filed.) See CCP 116.340(b). Service must be done by one of the following three methods:

1. CERTIFIED MAIL SENT BY THE COURT (CCP 116.340(A)(1)) \$8.00 fee for service PER defendant. The named defendant is usually required to sign the return receipt. You can check the status of the service by calling the court clerk or by accessing <http://icms.cc-courts.org/iotw/>. This method is best used when serving the "Agent for Service of Process" of a corporation or a limited liability company. See <http://kepler.ss.ca.gov/list.html>.
2. PERSONAL SERVICE (CCP 116.340(a)(2)) Service can be done by a registered process server, or by a Sheriff/Marshall, or by anyone at least 18 years old that is not a party to the action. (Note: Service by the Sheriff is not available in Contra Costa County, unless you qualify for a fee waiver). If you are using someone other than a Sheriff or registered process server, ask the court clerk for a "Proof of Service" form (SC-104) or get one at www.courtinfo.ca.gov/forms. The proof of service should be filed with the court at least 5 days before the hearing.
3. SUBSTITUTE SERVICE (CCP 116.340(a)(3)) Service can be done by the same individuals as in personal service. The defendant is served by leaving a completed Form SC-100 at the defendant's residence or place of business with a person over the age of 19, and by then mailing (first-class mail) another copy to the defendant at the same address where the substitute person was given the SC-100 form. (If done at the defendant's place of business the SC-100 must be delivered to the person apparently in charge of the business with an explanation of what was delivered) When serving a small claims action by this method there is no need to attempt personal service first. Service on defendant is not complete until 10 calendar days after the date of mailing occurs. See CCP section 415.20.

RESETTING THE COURT DATE IF MORE TIME IS NEEDED TO SERVE THE DEFENDANT

If you have not served any defendant within the required time, you may request a new trial date. This request may be made either in writing or by appearing in person at the small claims counter. The request must be received by the court at least 3 court days prior to the scheduled trial date. There is no fee for resetting a hearing date due to lack of service.

POSTPONEMENT OF A HEARING DATE AT THE REQUEST OF EITHER PARTY (CCP section 116.570)

If any defendant has been served, a party must request a postponement in writing, stating a good reason, and accompanied by a \$10.00 fee. The requesting party must show proof that a copy of the request has been mailed or delivered to all parties in the case. The request must be received by the court at least 10 calendar days in advance of the hearing date. If your request is denied and your case is dismissed, you may file a motion to vacate (See CCP Section 116.720) or file a new case.

ANY QUESTIONS?

Legal advice is available through the Small Claims Legal Advisor at (925) 646-6109 or at (888) 676-7277 for calls made within Contra Costa County. The Advisory Service is staffed on a part time basis and has a 24-hour information voice system for your convenience. Be prepared to write down the menu options as there is a large amount of information on the system. If your question cannot be answered by the menu activated information system, you can leave a detailed message requesting a return call from the advisory service between 9:00 a.m. and 5:00 p.m., Monday through Friday. Please repeat the number twice during the message. On the back side of this page is additional information that you might find helpful to your case. Court clerks are not allowed to answer legal questions. Correspondence to the small claims court must contain the case number and show that a copy was sent to all parties in the case. Additional helpful information can be found at www.cc-courts.org/smallcl.htm and www.courtinfo.ca.gov/selfhelp/smallclaims/.

FREE SEMINARS

“How to Use the Small Claims Court” is a free 2-hour seminar presented at various locations and times throughout the county each month. You may attend a seminar at any convenient location. Suggestions on writing an effective demand letter; how to file and serve your small claims action; and how to effectively present your case to the court will be provided. Most of your questions can be answered at each seminar. The seminars begin promptly at the schedule time and it is important to arrive at the seminar on time. If you will be more than 15 minutes late, please come on a different date. The following schedule will apply unless there is a court holiday or an unavoidable schedule conflict:

- Richmond Public Library: 325 Civic Center Plaza, Richmond (510-620-6561) 2nd & 4th Wednesday of each month at 6:00 p.m. in the Madeline F. Whittlesey Community Room.
- Pittsburg Courthouse: 45 Civic Ave., Pittsburg (925-427-8158) 1st & 3rd Tuesday of each month at 9:00 a.m. Meet at the Civil/Small Claims lobby.
- Concord Courthouse: 2970 Willow Pass Road, Concord (925-646-5410) 2nd Monday of each month at 6:00 p.m. in courtroom 6 (entrance closest to Willow Pass Road).
- Walnut Creek Court: 2020 N. Broadway, Rm 202, Walnut Creek (925-646-6579) 1st & 3rd Wednesday of each month at 9:00 a.m. (Located next to the Walnut Creek Courthouse).

“How to Collect Your Court Judgment” is a free 3-hour seminar presented once a month in San Pablo. It is important to arrive on time and it is recommended that you purchase the book “How to Collect When You Win a Lawsuit” for \$25.00 at the seminar or you can purchase it at a bookstore. The book will aid your effort to collect your court judgment and contains most of the forms that you will need.

- Contra Costa College Library: 2600 Mission Bell Dr., San Pablo 2nd Tuesday of each month at 6:00 p.m. Go to the reference desk upon arrival. Parking is \$2.00. AC Transit Lines 69, 71, 74, 76 & 78 stop at the college. Directions: 510-235-7800 x3 or www.contracosta.cc.ca.us/maps/index.html.

Important Note: You should always confirm a particular seminar date and time on the morning of the seminar by contacting the information voice system (press “8” and then “1” after the prompt) to make sure there have not been any recent changes to the schedule.

WEBSITES AND INFORMATION

- Confirm corporate/limited liability/limited partnership name and the name & address of the agent for service of process at the California Secretary of State database: <http://kepler.ss.ca.gov/list.html>
- Check Contra Costa County Clerks’ website to check fictitious business name filings and recorded documents: www.criis.com/contracosta/official.shtml or go to 822 Main Street, Martinez.
- Check to see if the other party owns real estate or check to see who owns a particular parcel of real estate, contact the Contra Costa Assessor’s Office at 925-313-7400
- Small Claims forms and forms for collection: www.courtinfo.ca.gov/forms
- Research California statutes only: www.legalinfo.ca.gov/calaw.html
- Research California case law: www.findlaw.com/cacases/index.html
- 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
- Research contractor license information and contractor bond information (license status check) at the Contractor State License Board: www.cslb.ca.gov/consumers/default.asp
- Research information about a home inspector at the Structural Pest Control Board: www.pestboard.ca.gov
- Research information about a real estate licensee at the Department of Real Estate: www.dre.ca.gov/consumers_sub.htm
- Check information regarding your case online: <http://icms.cc-courts.org/iotw/>