SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER
www.occourts.org

OPENING A SMALL CLAIMS CASE

All documents must be typed or printed neatly.

Please use black ink.

Self-Help Center Locations:

Lamoreaux Justice Center
1st Floor
341 The City Drive
Orange, CA

Central Justice Center
Room G-100
700 Civic Center Drive
Santa Ana, CA

Superior Court
Service Center
27573 Puerta Real
Mission Viejo, CA

Harbor Justice Center
Room 150
4601 Jamboree Rd
Newport Beach, CA

North Justice Center
Room 360
1275 N. Berkeley Ave.
Fullerton, CA

INFORMATION FOR THE SMALL CLAIMS PLAINTIFF

SC-100-INFO

This information sheet is written for the person who sues in the small claims court. It explains some of the rules of and some general information about the small claims court. It may also be helpful for the person who is sued.

WHAT IS SMALL CLAIMS COURT?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff.** The person who is sued is the **defendant.** In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than $5,000 if you are a business or public entity or for more than $10,000 if you are a natural person (including a sole proprietor). *(See below for reference to exceptions.*)* If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over the limit. You cannot, however, file more than two cases in small claims court for more than $2,500 each during a calendar year.

WHO CAN FILE A CLAIM?

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem.** This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
2. A person who sues in small claims court must first make a **demand**, if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court. **You must also appear at the small claims hearing yourself unless you filed the claim for a corporation or other entity that is not a natural person.**
4. If a corporation files a claim, an employee, an officer, or a director must act on its behalf. If the claim is filed on behalf of an association or another entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or another entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear,* form SC-109.)

WHERE CAN YOU FILE YOUR CLAIM?

You must sue in the right court and location. This rule is called **venue.** Check the court's local rules if there is more than one court location in the county handling small claims cases. If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard. The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;
3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken; or
5. For a retail installment account or sales contract or a motor vehicle finance sale:
   a. Where the buyer lives;
   b. Where the buyer lived when the contract was entered into;
   c. Where the buyer signed the contract; or
   d. Where the goods or vehicle are permanently kept.

SOME RULES ABOUT THE DEFENDANT (including government agencies)

1. You must sue using the defendant's *exact legal name.* If the defendant is a business or a corporation and you do not know the exact legal name, check with the state or local licensing agency, the county clerk's office, or the Office of the Secretary of State, Corporate Status Unit at *www.ss.ca.gov/business*. Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.
2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.

HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process.** This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF.** Here are four ways to serve the defendant:

1. **Service by a law officer**—You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server**—You may ask anyone who is *not a party* in your case and who is at least *18 years old* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when the defendant was served. Registered process servers will do this for you for a fee. You may also ask a friend or relative to do it.
3. **Certified mail**—You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court before the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service**—This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)

Form Adopted for Mandatory Use
Judicial Council of California
SC-100-INFO [Revised July 1, 2015]

Code of Civil Procedure,
§§ 116.110 et seq.,116.220(c), 116.340(g)
www.courts.ca.gov

4. **Substituted service** *(continued)* A copy of your claim must be left at the defendant's business with the person in charge; **OR** at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class postage prepaid, to the defendant at the address where the paper was left. The service is not complete until *10 days* after the copy is mailed.

No matter which method of service you choose, the defendant must be served by a certain date or the trial will be postponed. If the defendant lives in the county, service must be completed at least *15 days* before the trial date. This period is at least *20 days* if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service (*form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant)** will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim.* The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than $5,000 or $10,000 if the defendant is a natural person *(see exceptions on page 1*).* If the value of the claim is more than this amount, the defendant may either give up the amount over $5,000 or $10,000 and sue in the small claims court or file a motion to transfer the case to the appropriate court for the full value of the claim.

The defendant's claim must be served on the plaintiff at least *five days* before the trial. If the defendant received the plaintiff's claim *10 days* or less before the trial, then the claim must be served at least *one day* before the trial. Both claims will be heard by the court at the same time.

WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily. You may also ask the clerk to issue a **subpoena.** A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order before the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130 or SC-200).

WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and collects the money is called the **judgment creditor.** The party who loses the case and owes the money is called the **judgment debtor.** Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment*. The clerk may also have this information on a separate sheet.

HOW TO GET HELP WITH YOUR CASE

1. **Lawyers**—Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.
2. **Interpreters**—If you do not speak English well, bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Request to Waive Court Fees* (form FW-001).
3. **Waiver of fees**—The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court**—If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays.**
5. **Parties who are in jail**—If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations**—If you have a disability and need assistance, immediately ask the court to help accommodate your needs. If you are hearing impaired and need assistance, notify the court immediately.
7. **Forms**—You can get small claims forms and more information at the California Courts Self-Help Center website *(www.courts.ca.gov/smallclaims),* your county law library, or the courthouse nearest you.
8. **Small claims advisors**—The law requires each county to provide assistance in small claims cases free of charge. *(Small claims advisor information):*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
www.occourts.org

SMALL CLAIMS INFORMATION
HOW TO NAME A BUSINESS

HOW TO CORRECTLY NAME THE BUSINESS YOU ARE SUING

If you sue a company, you need to know what kind of ownership it is. The most common types are sole proprietorships, partnerships, and corporations. The Sheriff will not serve your claim if you have not named the business correctly. The Sheriff will also not be able to collect your judgment if the business name is incomplete.

- **Suing a business owned by 1 person:** Write the owner's name and the business's name. Name the owner as an individual to have a better chance of collecting if you win.

  For example, write: Sally Smith, individually and **dba** Continental Candies (In this example and others, "dba" stands for "doing business as.")

- **Suing a partnership:** Name the partnership and the partners individually too.

  For example: Jim Smith and John Jones, individually and **dba** Smith & Jones

- **Suing a corporation:** Write the exact legal name of the corporation.

  For example: Sally's Dresses Inc., a corporation.

- **Suing a business owned by a corporation:** Write the name of the corporation and the business.

  For example: Lotus Corporation, individually and **dba** The Flower Company

How to Correctly File a Claim Using a Business Name

If you are suing using a business name, you must list the full name of the business as set forth above. If you are doing business under a fictitious name, you must fill out, sign and file a form called Fictitious Business Name Declaration (SC103) http://www.courts.ca.gov/xbcr/cc/sc103.pdf when filing your claim. You must follow the laws for fictitious business names. If you have not, the court can dismiss your case.

How to Research a Business Name

There are several ways to search for the full name of a business.

- Fictitious Business Name Statement
  If a business is doing business under a fictitious name, the business is required to file a Fictitious Business Name Statement with the County Recorder where the business is located. The statement can help you determine the full legal name of the business. Here is the information for the Orange County Recorder:

- There is no charge to do the search yourself in the Clerk-Recorder's office. Most searches can be completed in about 15 minutes.
- The search can also be conducted online free of charge at: https://efbn.ocgov.com/eFBNweb/default.aspx
- By mail: you may order a copy of the filing for an additional fee of $0.15 per copy or $1.15 per certified copy. If your search is for name availability only, it is not necessary to order a copy. When writing to request a search, please list the name or names you wish to have searched. There is a fee of $7.00 for each name if you want the search completed for you. Include a self-addressed stamped envelope, along with the appropriate fees, and mail to:

  Orange County Clerk-Recorder
  Attn: Fictitious Business Name Statements
  12 Civic Center Plaza, Room 106
  Santa Ana, CA 92701

  Please make checks payable to: **Orange County Clerk-Recorder.**

- City Business License

  You can also check with the city where the business is located. Most cities require a business license. You can review the license for information on the full name of the business. You can find information for most of the cities in Orange County at**:**
  - Online:http://egov.ocgov.com/ocgov/Business/Permits%20&%20Licensing/Apply%20for%20a%20Business%20License**.**
  - In person: you may go to the City Hall where the business is located.
  - By phone: some cities will give you information over the phone regarding the full name of the business listed on the license. Look up the business license office in the city where the business is located.

- Secretary of State

  You can look to see if the business is a corporation, limited partnership, or limited liability company (LLC), by checking with the California Secretary of State:
  - Online: http://kepler.sos.ca.gov/cbs.aspx

- California Department of Consumer Affairs

  If the business is required to be licensed by the state, for example a contractor, auto repair, real estate company, or locksmith, you can find out the full name of the business by checking the California Department of Consumer Affairs:
  - Online: http://www2.dca.ca.gov/pls/wllpub/wllquery$.startup.

- Other Ways
  - You might have documents, a check, or other papers in your possession which listed the full name of the business.
  - You can also research the business name on the web.

To serve a public entity, see page 2.

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**
Serve:	The owner	If you are suing a **partnership,** serve one of the partners. If you are suing a **partnership** *and* the partners, serve each partner.	The property owner or manager *(Read Civil Code sections 1962–1962.7.)*	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
Write on your *Proof of Service* form:	• Business name • Owner's name and job title	• Partnership name • Name of partner, general manager, or agent for service and job title	• Business name (if there is one) • Owner's name and job title	• Corporation name • Name of corporate officer or agent for service and job title	• Company or partnership name • Name of agent or partner for service and job title	• Business name, form unknown • Owner's name and job title *(if you know it)*
Check that you have the *exact* names of the owner and business with:	• 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: ***www.csac.counties.org.*** • City Clerk's Office (Ask to see the business license.) Your city's Web site may have this information.		County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State Web site: ***www.ss.ca.gov/business*** Or call: **1-916-657-5448** **OR** County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's Web site may have this information. **OR** City Clerk's Office: (Ask to see the business license.) Your city's Web site 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.courtinfo.ca.gov/selfhelp/smallclaims***

To serve a business, see page 1.

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
Serve:	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 *Exception:* 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 **federal** agency in small claims court.*
	Important! *Before you sue, you must **first** file a claim with the public entity. Contact it and ask for the claim procedures.*	*Note:* *Before you sue, you must first file a claim with the state or the state agency. To file a claim, see:* ***www.boc.ca.gov/govclms.htm*** *Or call:* **1-800-955-0045**	
Write on your *Proof of Service* form:	• Name of city, county, or public entity • Name of city clerk, county clerk, chief officer, or agent for service and job title	• Name of the agency you are suing • Name of agent for service	
Check that you have the exact names of the agency and agent for service with:	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 Web site: ***www.ss.ca.gov/executive***	Call the agency to confirm the name and address for service. Use the State Directory: **1-800-807-6755** Or search: ***www.cold.ca.gov*** *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.courtinfo.ca.gov/selfhelp/smallclaims***

Court Designation List

The Presiding Judge has designated cases to be heard and tried according to the following matrix below. In order to expedite the processing of your case documents please file them at the assigned justice center. (Local Rule 365)

Limited Civil, Unlimited Civil cases will heard/tried at the Center Justice Center (CJC). Complex Civil cases will be heard/tried at the Complex Center (CXC).
Probate, Mental Health and Elder Abuse and Dependent Adult Abuse Restraining Orders cases will be heard/tried at the Central Justice Center (CJC).
Small Claims, Unlawful Detainer (i.e., landlord-tenant) and Civil Harassment matters will be heard/tried as designated according to the city in which the action arose or where a defendant resides. If the defendant is a business, use the city where the business is located. If the action concerns real property, use the city where the real property is located. (See matrix below)
Juvenile Delinquency, Dependency, Family Law, Domestic Violence will be heard/tried at the Lamoreaux Justice Center (LJC).
Criminal cases will be filed according to the matrix below. Unless otherwise designated by the Court, misdemeanor cases will be tried as designated below. Felony trials will be assigned based on availability of open trial courtrooms at any of the justice centers.
Traffic cases will be filed and trials heard according to the matrix below. Traffic case payments or other inquiries may be handled at any of the justice centers with a Criminal/Traffic Clerk's Office.

City	Unlimited Civil	Limited Civil	Probate	Mental Health	Small Claims Unlawful Detainer Civil Harassment	Family	Juvenile**	Traffic**	Criminal
Aliso Viejo	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Anaheim	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Brea	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Buena Park	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Costa Mesa	CJC	CJC	CJC	CJC	HJC	LJC	LJC	WJC	WJC
Cypress	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Dana Point	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Fountain Valley	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Fullerton	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Garden Grove	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Huntington Beach	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Irvine	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
La Habra	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
La Palma	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Laguna Beach	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Hills	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Niguel	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Woods	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Lake Forest	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Los Alamitos	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Mission Viejo	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Newport Beach	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Orange	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Placentia	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Rancho Santa Margarita	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
San Clemente	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
San Juan Capistrano	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Santa Ana	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Seal Beach	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Stanton	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Tustin	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Villa Park	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Westminster	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Yorba Linda	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC

CJC - Central Justice Center: 700 Civic Center Drive, Santa Ana 92701; **CXC/Civil Complex Center**: 751 W. Santa Ana Blvd., Santa Ana, CA 92701
HJC - Harbor Justice Center: 4601 Jamboree Road, Newport Beach, CA 92660; **LJC - Lamoreaux Justice Center**: 341 The City Drive, Orange, CA 92870;
NJC - North Justice Center: 1275 North Berkeley, Fullerton, CA 92838; **WJC - West Justice Center**: 8141 13th Street, Westminster, CA 92683
*Civil and Probate actions must be eFiled. http://www.occourts.org/online-services/efiling/.
** For filing Juvenile citations, Law Enforcement should refer to the Superior Court of Orange County Juvenile Violation Filing Guidelines.
Rev. 6/11/14

SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Notice to the person being sued:

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff 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:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría 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.

Order to Go to Court

The people in (1) and (2) must go to court: *(Clerk fills out section below.)*

Trial Date ➔

	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- *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.courts.ca.gov/smallclaims/forms.*
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make one 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 Defendant a court-stamped copy of all five 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.

Plaintiff *(list names):*

Case Number:

1 The Plaintiff (the person, business, or public entity that is suing) 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 two Plaintiffs and attach Form SC-100A.*

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

2 The Defendant (the person, business, or public entity being sued) 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 two Defendants and attach Form SC-100A.*

☐ *Check here if any Defendant is on active military duty, and write his or her name here:* _____

3 The Plaintiff claims the Defendant owes $ _____ . *(Explain below):*

a. Why does the Defendant owe the Plaintiff money?

_____

_____

When did this happen? *(Date):* _____

b. 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-100, Item 3" at the top.*

Plaintiff *(list names):*

Case Number:

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

If no, explain why not:

_____

_____

5 **Why are you filing your claim at this courthouse?**

This courthouse covers the area *(check the one that applies):*

a. ☐ (1) Where the Defendant lives or does business.
(2) Where the Plaintiff's property was damaged.
(3) Where the Plaintiff was injured.
(4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived or did business when the Defendant made the contract.

b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. *(Code Civ. Proc., § 395(b).)*

c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). *(Civ Code, § 1812.10.)*

d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. *(Civ Code, § 2984.4.)*

e. ☐ Other *(specify)*: _____

_____

6 **List the zip code of the place checked in 5 above** *(if you know):* _____

7 **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: ☐

8 **Are you suing a public entity?** ☐ Yes ☐ No

If yes, you must file a written claim with the 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.

9 **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.*

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

11 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.

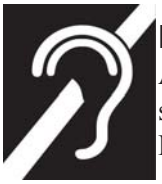
I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: _____ _____ ▶ _____

Plaintiff types or prints name here *Plaintiff signs here*

Date: _____ _____ ▶ _____

Second Plaintiff types or prints name here *Second Plaintiff 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 for Form MC-410, *Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)*

"Small claims court" is a special court where claims for $5,000 or less are decided. A "natural person" (not a business or public entity) may generally claim up to $10,000, including a sole proprietor. (See below for exceptions.*) The process is quick and cheap. The rules are simple and informal. You are the *Defendant*—the person being sued. The person who is suing you is the *Plaintiff*.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at *www.courts.ca.gov/smallclaims/prepare.*

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Request to Waive Court Fees* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at *www.courts.ca.gov/smallclaims/forms.*

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration,* to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see *www.courts.ca.gov/smallclaims/appeals.*

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

Need help?

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

Or go to *www.courts.ca.gov/smallclaims/advisor.*

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. § 116.220(c).)

SC-100 Información para el demandado (la persona demandada)

La **"Corte de reclamos menores"** es una corte especial donde se deciden casos por $5,000 ó menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta $10,000. Una **"**persona natural**"** (que no sea un negocio ni una entidad pública), que incluye un dueño único, generalmente puede reclamar hasta $10,000.
(Vea abajo para las excepciones.*) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?
Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?
No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en *www.courts.ca.gov/reclamosmenores/preparese.*

¿Qué hago si necesito una adaptación?
Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo inglés bien?
Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como minimo menos cinco dias antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas de la corte (formulario FW-001S).

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en *www.courts.ca.gov/smallclaims/forms* (página está en inglés).

¿Qué pasa en el juicio?
El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?
Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días depués de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea *www.courts.ca.gov/reclamosmenores/apelaciones.*

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo.Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), *o*
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), *o*
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte *y* a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.

¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea Información por condado en *www.courts.ca.gov/reclamosmenores/asesores.*

* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

SC-100A **Other Plaintiffs or Defendants**

Case Number:

☑ This form is attached to Form SC-100, item 1 or 2.

1 If more than 2 plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address *(if different)*: _____

City: _____ State: _____ Zip: _____

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

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address *(if different)*: _____

City: _____ State: _____ Zip: _____

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

☐ *Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.*

2 If more than 2 defendants (person, business, or entity being sued), list their information below:

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address *(if different)*: _____

City: _____ State: _____ Zip: _____

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address *(if different)*: _____

City: _____ State: _____ Zip: _____

☐ *Check here if more than 4 defendants and fill out and attach another Form SC-100A.*

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*

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form Print This Form Clear This Form

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

SC-103 Fictitious Business Name

Case Number:

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

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form | Print This Form | Clear This Form

SC-104B What Is "Proof of Service"?

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.

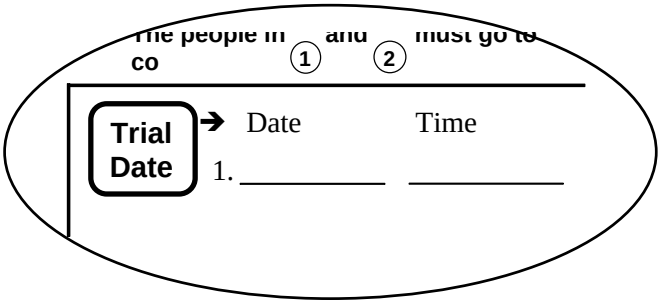
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

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

For your protection and privacy, please press the Clear This Form button after you have printed the form.
Save This Form
Print This Form
Clear This Form

SC-104 Proof of Service

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:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- 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:

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

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

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.:**

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:

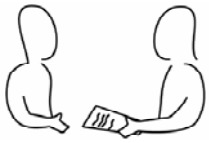
- Give a copy of all the documents checked in 3 to the person in 1, ***or***
- Give a copy of all the documents checked in 3 to one of the following people:
  a. A competent adult (at least 18) living with, and at the home of the person in 1, *or*
  b. An adult (at least 18) who seems to be in charge 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

- Complete and sign this form, and
- 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):* _____

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*

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form Print This Form Clear This Form