

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Dennis M. Perluss, Chair

Small Claims and Limited Civil Cases Subcommittee
Hon. L. Thomas Surh, Chair
Alan Wiener, Subcommittee Counsel, 818-558-3051

DATE: September 14, 2009

SUBJECT: Small Claims Plain-Language Forms (adopt forms SC-200 and SC-202A; approve forms SC-112A, SC-113A, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111 (Action Required))

Issue Statement

Small claims forms should be written and organized so that they can be easily accessed, understood, and completed by parties representing themselves in small claims court and should guide the one-time or infrequent litigant through the court process. Separate forms should be used for requests, responses, and court orders so that these forms are easier to complete, understand, and process.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2010:

1. Adopt form SC-200, *Notice of Entry of Judgment*;
2. Adopt form SC-202A, *Decision on Attorney-Client Fee Dispute*;
3. Approve form SC-112A, *Proof of Service by Mail*;
4. Approve form SC-113A, *Clerk's Certificate of Mailing*;
5. Approve form SC-150, *Request to Postpone Trial*;

6. Approve form SC-152, *Order on Request to Postpone Trial*;
7. Approve form SC-200-INFO, *What to Do After the Court Decides Your Small Claims Case*;
8. Approve form SC-220, *Request to Make Payments*;
9. Approve form SC-220-INFO, *Payments in Small Claims Cases*;
10. Approve form SC-221, *Response to Request to Make Payments*;
11. Approve form SC-222, *Order on Request to Make Payments*;
12. Approve form SC-290, *Acknowledgment of Satisfaction of Judgment*;
13. Revise form SC-130, *Notice of Entry of Judgment (Small Claim)*, to be an alternative mandatory form;
14. Revise form SC-132, *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)*, to be an alternative mandatory form;
15. Revoke form SC-106, *Request to Pay Judgment in Installments*;
16. Revoke form SC-110, *Request to Postpone Small Claims Hearing*; and
17. Revoke form SC-111, *Order on Request to Postpone Small Claims Hearings*.

The forms that the committee recommends be adopted, approved, revised, and revoked are attached, beginning at page 13.

Rationale for Recommendation

Access to courts may be impaired if court forms are difficult for users to identify, obtain, complete, and understand. Plain language is a method of writing and designing documents that makes the material easier to read and use. It includes writing text at an appropriate reading grade level with language that is familiar to the intended users. It also includes organizing the content more intuitively and formatting it to increase readability.

Separate forms for requests, responses, and court orders will also be easier for litigants and courts to understand, complete, file, and process. Forms that combine requests, responses, and orders may confuse litigants, because the significance of the form and the actions that it may require depend on what parts of the form have been completed. Combined forms are also more complicated to complete electronically and to file and serve.

Alternative Actions Considered

The committee considered recommending that the Judicial Council revoke the current mandatory forms SC-130, *Notice of Entry of Judgment (Small Claims)*, and SC-132, *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)*, and replace them, respectively, with new forms SC-200, *Notice of Entry of Judgment* and SC-202A, *Decision on Attorney-Client Fee Dispute*. However, the committee concluded that it would be preferable for the Judicial Council to adopt these new forms as alternative mandatory forms so courts that currently generate forms SC-130 and SC-132 through their case management systems can continue doing so and will not need to modify their case management systems at this time.

Comments From Interested Parties

The proposed forms were circulated for public comment as part of the spring 2009 comment cycle, and nine organizations or individuals submitted comments. Four commentators agreed with the proposal; four commentators agreed with the proposal if modified; and one commentator disagreed with the proposal.

All of the commentators are identified and their general positions on the proposal are shown on the comment chart, beginning on page 40. The specific comments that five commentators submitted and the committee responses are also stated, sorted by form number, on the comment chart.

Implementation Requirements and Costs

This proposal is not expected to require any significant implementation actions or costs at this time. And, to allow courts to expend their supplies of the current forms that will become obsolete, the advisory committee is recommending that this proposal be adopted effective July 1, 2010.

Ultimately, it is anticipated that the California Court Case Management System (CCMS), and perhaps some individual court case management systems, will be modified to generate the proposed court orders and notice of entry of judgment forms. However, adopting the notice of entry of judgment forms as alternative mandatory forms will allow these modifications to be deferred indefinitely. Also, because the two new order forms are proposed for optional use, courts that elect to continue using the current versions can remove the Judicial Council information and adopt the remainder of the forms for local use.

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Issue Statement

The small claims court was established as a forum for parties to resolve minor civil disputes, expeditiously, inexpensively, and fairly, without attorneys.¹ Small claims forms should therefore be written and organized so that they can be easily accessed, understood, and completed by parties representing themselves in small claims court and should guide the one-time or infrequent litigant through the court process. Separate forms should be used for requests, responses, and court orders so that these forms are easier to complete, understand, and process.

Rationale for Recommendation

Introduction

Providing equal access to the courts, establishing court procedures that are fair and understandable to court users, and meeting the needs of self-represented litigants are key elements of the judicial branch strategic plan.² Access to court may be impaired if court forms are difficult for users to identify, obtain, complete, and understand.

¹ See Code Civ. Proc., §§116.120 and 116.530.

² Judicial Council of Cal., *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, Goal I: Access, Fairness, and Diversity, pp. 26–29 (available online at www.courtinfo.ca.gov/reference/documents/strategic_plan_2006-2012-full.pdf).

Plain language is a method of writing and designing documents that makes the material easier to read and use. It includes writing text at an appropriate reading grade level with language that is familiar to the intended users. It also includes organizing the content more intuitively and formatting it to increase readability.

The Judicial Council has adopted and approved plain language forms for use in small claims and other actions and proceedings. There are currently 15 small claims forms in the plain language format. The forms now proposed are the next step in the process of converting all small claims forms into plain language and will promote the Judicial Council goal of access to the courts.

Approving separate forms for requests, responses, and court orders will make the forms easier to understand, complete electronically, file, and process. Forms that combine requests, responses, and orders may confuse litigants, because the significance of the form and the actions that it may require depend on what parts of the form have been completed. Combined forms make electronic completion difficult, because the document assembly software needs to perform different functions depending on what portion of the form is being completed. Combined forms also cause problems with filing and service, because the single form needs to be filed and served multiple times, at various stages of processing.

Numbering small claims forms systematically will help to make them more accessible to litigants. The proposed forms are consistent with a tentative long-term numbering plan that will generally (1) number the forms in the order in which they are typically used;³ (2) identify forms as a request, a response, or an order by the last digit of the form number;⁴ (3) identify forms that must be attached to another filing by the suffix “A”; and (4) identify information and instruction forms by the suffix “INFO.”

Establishing service by mail (proposed forms SC-112A and SC-113A)

Plain language forms *Proof of Service* (form SC-104) and *Proof of Mailing (Substituted Service)* (form SC-104A) are approved for optional use, to establish service of the *Plaintiff’s Claim and ORDER to Go to Small Claims Court* (form SC-100), the *Defendant’s Claim and ORDER to Go to Small Claims Court* (form SC-120), and certain other forms that must be “personally served.” However, rule 3.2107 of the California Rules of Court allows or requires the parties and the court clerk to serve certain other

³ For example, prejudgment small claims forms are generally in the SC-100 series and postjudgment forms begin with SC-200.

⁴ Form numbers for requests typically end with 0, numbers for responses typically end with 1, and numbers for orders typically end with 2.

papers by mail.⁵ There are currently no Judicial Council forms for a party or a clerk to establish that this has been done.

The proposed optional *Proof of Service by Mail* (form SC-112A) and *Clerk's Certificate of Mailing* (form SC-113A) would allow litigants and court staff to conveniently provide proof of the mailing of requests for court orders, responses to those requests, and court orders to the parties in the action. Each form would provide check boxes for the Judicial Council small claims forms that the parties or clerk might appropriately serve by mail. Information on the reverse of form SC-112A would instruct the parties how to properly accomplish the mailing, complete the proof of service, and file the documents.

Postponement of trial (current forms SC-110 and SC-111 and proposed forms SC-150 and SC-152)

The Judicial Council has approved the *Request to Postpone Small Claims Hearing* (form SC-110) and *Order on Request to Postpone Small Claims Hearing* (form SC-111) for optional use. However, neither of these forms is currently in the plain language format.

The proposed optional *Request to Postpone Trial* (form SC-150) and *Order on Request to Postpone Trial* (form SC-152) would be plain language replacements for forms SC-110 and SC-111.⁶ The new forms would substitute “trial” for “hearing” in their titles and throughout their text. Although the Small Claims Act refers to the proceeding at which the parties’ claims are initially adjudicated as a “hearing,”⁷ the term “trial” is more familiar to small claims litigants and is consistent with the terminology used in other plain language small claims forms that the Judicial Council has approved.⁸

Improvements in form SC-150 include prompting the party requesting a postponement to provide information about the service of his or her claim⁹ and providing instructions on the back of the form. Improvements in form SC-152 include providing the trial date and location, whether the postponement is granted or denied, and providing check boxes for

⁵ Rule 3.2107 of the California Rules of Court (1) requires the party filing a written request for a court order before the hearing (trial) to mail or personally deliver a copy to all other parties in the case; (2) requires the clerk to mail a copy of written requests filed after the entry of judgment to all other parties; and (3) provides that the other parties must be given an opportunity to answer or respond to the request, but does not specify how their answers or responses are to be served.

⁶ The committee is proposing to replace rather than revise the existing forms so that the forms can be renumbered consistently with the proposed long-range numbering plan for the complete set of small claims forms. Because form SC-152, *Order on Request to Postpone Trial*, would be an optional form, any court that prefers to continue using form SC-111, *Order on Request to Postpone Small Claims Hearing*, (e.g., because the form is generated by the court’s case management system) could remove the Judicial Council information from form SC-111 and adopt it as a local form.

⁷ See, e.g., Code Civ. Proc., § 116.510 et seq.

⁸ See, e.g., form SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*.

⁹ The date of service, the county of the defendants’ residence, and the current trial date determine whether a fee is required for requesting the postponement. (See Code Civ. Proc., §§ 116.570(d) and 116.340(b).)

the judicial officer to indicate that the clerk is to mail the order to the party that requested the postponement or to all plaintiffs and defendants.

Notice of entry of judgment and acknowledgment of satisfaction of judgment (current forms SC-130 and SC-132 and proposed forms SC-200, SC-200-INFO, SC-202A, and SC-290)

The Judicial Council has adopted *Notice of Entry of Judgment* (form SC-130) and *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)* (form SC-132) for mandatory use. Neither of these forms is in the plain language format. And, form SC-130 is a combined form that incorporates a clerk's certificate of mailing and a section for the judgment creditor to acknowledge satisfaction of the judgment with information about the terms of the judgment. As discussed above, combining multiple documents in a single form is problematic for litigants and courts.

The Invitation to Comment proposed to revoke forms SC-130 and SC-132, and replace them with four new forms: *Notice of Entry of Judgment* (form SC-200), *Information and Instructions After Entry of Judgment* (form SC-200-INFO), *Decision on Attorney-Client Fee Dispute* (form SC-202A),¹⁰ and *Acknowledgment of Satisfaction of Judgment* (form SC-290).

The *Notice of Entry of Judgment* is one of the most frequently generated and most important small claims forms, because it informs the litigants of the court's decision in their case and triggers important deadlines. It is therefore crucial that this form be easy for courts to complete and for litigants to read and understand.

In addition to text and formatting changes to make the form easier to complete, read, and understand, the new *Notice of Entry of Judgment* would be organized to include separate sections (items 3 and 4) to state the terms of the judgment on the plaintiff's claim and on any defendant's claim. Each section would include new fields to indicate whether the liability of more than one person is joint and several or other, as required by Code of Civil Procedure section 116.610.¹¹ Item 5 of the new form would allow for more detailed information about any payment terms approved by the court and would parallel the proposed forms for requesting a payment schedule, responding to such a request, and making an order thereon, which are discussed below.

¹⁰ Current form SC-132 and proposed form SC-202A are attachments to the *Notice of Entry of Judgment* when the small claims case sought to confirm, correct, or vacate an award following the arbitration of an attorney-client fee dispute under Bus. & Prof. Code § 6200 et seq.

¹¹ Code Civ. Proc. § 116.610(d) provides: "If the defendant has filed a claim against the plaintiff, or if the judgment is against two or more defendants, the judgment, and the statement of decision if one is rendered, shall specify the basis for and the character and amount of the liability of each of the parties, including, in the case of multiple judgment debtors, whether the liability of each is joint or several."

Pages 3 and 4 of form SC-200 significantly revise and reformat the information on page 2 of current form SC-130, to more clearly explain the parties' rights and responsibilities after the court has decided their case. Substantially the same information is also provided in form SC-200-INFO, *What to Do After the Court Decides Your Small Claims Case*. The information is included in the form SC-200 to ensure that it accompanies the *Notice of Entry of Judgment* without requiring courts to serve form SC-200-INFO. The information is also provided in the separate form SC-200-INFO to ensure that it is readily accessible to litigants who have not yet received or who no longer have a *Notice of Entry of Judgment*. Although form SC-200 will be accessible on the California Courts Web site, self-represented litigants are unlikely to look for information about what happens after the court decides their case in a form that, for purposes of statutory consistency, is titled "Notice of Entry of Judgment."

Paying judgments over time (Current form SC-106 and proposed forms SC-220, SC-220-INFO, SC-221, and SC-222)

Request to Pay Judgment in Installments (form SC-106), was approved by the Judicial Council in 1991. This multiuse form includes separate sections for the judgment debtor's request, a notice to and response of the judgment creditor, the court's order on the request, and three separate clerk's certificates of mailing. As discussed above, combining multiple documents in a single form is problematic for litigants and courts.

The advisory committee recommends that the Judicial Council revoke form SC-106 and approve four optional forms in its place: *Request to Make Payments* (form SC-220), *Payments in Small Claims Cases* (form SC-220-INFO), *Response to Request to Make Payments* (form SC-221), and *Order on Request to Make Payments* (form SC-222). The proposed request, response, and order contain parallel provisions concerning the terms of payment, so that courts can readily consider and rule on the parties' proposed payment terms. The forms also provide space for the parties to request and the court to order that interest will or will not accrue on the outstanding balance of the judgment if all of the payments are made on time. Form SC-222 would allow the court to grant or deny the payment request without a hearing or to schedule a hearing on the request.

Page 2 of form SC-220 provides information about requesting permission to pay a small claims judgment in payments and responding to such a request. Substantially the same information is on form SC-220-INFO. The information is provided in both locations to ensure that it accompanies the *Request to Make Payments* when that document is served by the court and to make the information more readily accessible to litigants or other interested persons who do not have form SC-220 at hand.

Alternative Actions Considered

The committee considered recommending that the Judicial Council revoke the current mandatory forms SC-130, *Notice of Entry of Judgment (Small Claims)*, and SC-132, *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)*, and replace

them, respectively, with new forms SC-200, *Notice of Entry of Judgment*, and SC-202A, *Decision on Attorney-Client Fee Dispute*. However, the committee concluded that it would be preferable for the Judicial Council to adopt these new forms as alternative mandatory forms so courts that currently generate forms SC-130 and SC-132 through their case management systems can continue doing so and will not need to modify their case management systems at this time.

Comments From Interested Parties

Overview of comments

Nine organizations or individuals (six superior courts, one court legal research and self-help department, one court supervisor, and one county bar association) submitted comments about the plain language small claims forms proposal. Four commentators agreed with the proposal; four commentators agreed with the proposal if modified; and one commentator disagreed with the proposal.

All of the commentators are identified and their general positions on the proposal are shown on the first two pages of the comment chart, beginning on page 40. The commentators' specific suggestions and the committee responses to those comments are stated, sorted by form number, on the following pages of the comment chart.

A court supervisor at the Superior Court of Kern County disagreed with the proposal and submitted the general comment that courts are short-staffed and the proposal appears to create additional work. However, the committee agrees with the general comments of the Superior Courts of Riverside and San Bernardino Counties that the proposed forms will make the small claims process easier to use and more understandable for litigants, courts, and clerks.

In addition to the public comments, specific suggestions for improving the forms were obtained from Transcend, a company that specializes in developing readable materials. The revisions made in response to Transcend's suggestions included simplifying language and sentence structure, reorganizing content to make the forms more intuitive, using more readable fonts, and removing or reformatting lines and boxes.

Establishing service by mail (proposed forms SC-112A and SC-113A)

Two commentators suggested several minor revisions to form SC-112A and no commentators suggested revisions to form SC-113A. Form SC-112A was revised to incorporate most of the commentators' suggestions, as stated in the comment chart. Both forms were revised to incorporate suggestions made by Transcend.

Postponement of trial (proposed forms SC-150 and SC-152)

Four commentators suggested revisions to form SC-150 and two suggested revisions to or commented about form SC-152. The committee revised both forms to incorporate many

of the commentators' suggestions, as stated in the comment chart, and suggestions from Transcend.

The Superior Court of Ventura County commented that current form SC-110, *Request to Postpone Small Claims Hearing*, is used to continue small claims hearings other than the trial and suggested that the title and contents of proposed form SC-150, *Request to Postpone Trial*, be made more generic. The advisory committee does not recommend doing so at this time, because this would involve substantive changes that should first be circulated for public comment.¹² The committee will consider proposing revisions to form SC-150, or a separate form for requesting postponements of small claims hearings other than the trial, in the future.

The Superior Court of San Bernardino County Legal Research Department and Self Help Program questioned whether courts or litigants are expected to complete forms SC-152, *Order on Request to Postpone Trial*, and SC-222, *Order on Request to Make Payments*. This commentator also questioned whether clerks' offices should be asked to take on this additional work and suggested that instructions be added if litigants are expected to complete the forms. The committee anticipates that courts will prepare these orders, as they currently prepare form SC-111, *Order on Request to Postpone Small Claims Hearing*, and the Court Order section of form SC-106, *Request to Pay Judgment in Installments*. The committee also anticipates that these proposed new forms for orders will be easier for courts to complete and process than the current forms. However, courts will not be required to use the new order forms, as the committee is recommending that the Judicial Council approve them for *optional* use.

Notice of entry of judgment and acknowledgement of satisfaction of judgment (proposed forms SC-200, SC-200 INFO, SC-202A, and SC-290)

Five commentators raised concerns or made suggestions about form SC-200; one suggested revisions to form SC-200-INFO; none suggested revisions to form SC-202A; and three suggested revisions to forms SC-290. The committee has revised the forms to incorporate many of these suggestions, as stated in the comment chart, as well as suggestions from Transcend.¹³

The Superior Courts of Orange and Ventura Counties both commented that the current *Notice of Entry of Judgment* is generated by the California Court Case Management System (CCMS) and that the proposed new form contains additional fields that CCMS

¹² Both current form SC-110 and the proposed replacement that was circulated for comment elicit information that is specific to the postponement of the small claims trial under Code Civ. Proc., § 116.570. A form that is intended to accommodate other postponement requests should probably include different or additional information, such as the hearing to which the request pertains.

¹³ The advisory committee has deferred considering more substantial revisions to form SC-202A, *Decision on Attorney-Client Fee Dispute*, until it considers revisions to form SC-101, *Attorney Fee Dispute (After Arbitration) (Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court)*, so that these related forms will be consistent.

cannot currently generate. The Orange County court noted that there would be a tremendous impact on court workload if the new form is not generated from CCMS, and the Ventura County court suggested that the Administrative Office of the Courts (AOC) coordinate efforts to ensure that there is sufficient time to properly develop, test, and implement the new form within CCMS.

The advisory committee agrees that it is important that CCMS—and other court case management systems—be able to generate the small claims *Notice of Entry of Judgment*. The committee also recognizes that adapting CCMS and local case management systems to generate the proposed new *Notice of Entry of Judgment* may require time and money or staff resources. The committee is therefore recommending that forms SC-200 and SC-202A be adopted as alternative mandatory forms and that courts be allowed to continue using forms SC-130 and SC-132.¹⁴ However, the committee encourages the AOC and individual courts to take the steps necessary to generate the proposed new notice of entry of judgment forms through CCMS and other court case management systems as soon as practical.

Several comments suggested that forms SC-200, *Notice of Entry of Judgment* and SC-290, *Acknowledgment of Satisfaction of Judgment*, should include provisions regarding the recovery of previously waived fees and costs that are awarded to a prevailing party. The committee agrees that it would be beneficial to include information about the recovery and payment of previously waived court fees and costs in one or more small claims forms. However, this would be a significant substantive change in the proposal circulated for comment. The committee will therefore develop a proposal to revise small claims forms to include information about the recovery of previously waived fees and costs for future circulation.

Paying judgments over time (proposed forms SC-220, SC-220-INFO, SC-221, and SC-222)

One commentator suggested revisions to form SC-220, and none suggested revisions to forms SC-220-INFO, SC-221, or SC-222.¹⁵ The committee has revised the forms to incorporate most of the commentator's suggestions, as stated in the comment chart, as well as suggestions from Transcend.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2010:

¹⁴ Rule 1.31 of the California Rules of Court provides for the adoption and identification of alternative mandatory forms.

¹⁵ The Superior Court of San Bernardino County Legal Research Department and Self Help Program commented that, if litigants are expected to complete form SC-222, *Order on Request to Make Payments*, this form should include instructions. However, the committee anticipates that courts, rather than litigants, will complete this form.

1. Adopt form SC-200, *Notice of Entry of Judgment*;
2. Adopt form SC-202A, *Decision on Attorney-Client Fee Dispute*;
3. Approve form SC-112A, *Proof of Service by Mail*;
4. Approve form SC-113A, *Clerk's Certificate of Mailing*;
5. Approve form SC-150, *Request to Postpone Trial*;
6. Approve form SC-152, *Order on Request to Postpone Trial*;
7. Approve form SC-200-INFO, *What to Do After the Court Decides Your Small Claims Case*;
8. Approve form SC-220, *Request to Make Payments*;
9. Approve form SC-220-INFO, *Payments in Small Claims Cases*;
10. Approve form SC-221, *Response to Request to Make Payments*;
11. Approve form SC-222, *Order on Request to Make Payments*;
12. Approve form SC-290, *Acknowledgment of Satisfaction of Judgment*;
13. Revise form SC-130, *Notice of Entry of Judgment (Small Claims)*, to be an alternative mandatory form;
14. Revise form SC-132, *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)*, to be an alternative mandatory form;
15. Revoke form SC-106, *Request to Pay Judgment in Installments*;
16. Revoke form SC-110, *Request to Postpone Small Claims Hearing*; and
17. Revoke form SC-111, *Order on Request to Postpone Small Claims Hearings*.

The forms that the committee recommends be revised, adopted, approved, and revoked are attached, beginning at page 13.

Attachments

Clerk stamps here when form is filed.

Not approved by the Judicial Council
Draft Rev. 08-20-09 AW

This form tells you the court's decision (judgment) in this small claims case. The date the small claims clerk handed or mailed you this form is very important. That date sets the deadline for the parties to take legal steps to protect or enforce their rights.

If the court ordered you to pay money, your wages, money, or property can be taken, if you do not pay the judgment within 30 days. You may also have to pay interest. If the court decided that you owe money because of an auto accident, the Department of Motor Vehicles (DMV) can suspend your driver's license.

If you disagree with the judgment, you may have the right to appeal or to ask the court to cancel or correct the judgment. To protect these rights, you must file papers with the court within 30 days after this notice was mailed or handed to you.

Read pages 3 and 4. They explain your rights and responsibilities, whether you won or lost the case.

① The judgment (decision) in this small claims case was entered on (date): _____

② The judgment cannot be enforced until after the 30-day right to appeal or file a motion to vacate (cancel) or correct the judgment has ended. If an appeal or a motion to cancel or correct the judgment is properly filed, the judgment cannot be enforced until the appeal or motion is decided.

③ Judgment on the Plaintiff's Claim

Plaintiff's name, if more than one: _____

Defendant's name, if more than one: _____

a. The plaintiff's claim against (check one): all parties (name): _____ is dismissed and
 (1) may not be filed again. (The claim is dismissed with prejudice.)
 (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)

b. The defendant (name): _____ does not have to pay the plaintiff anything.

c. The defendant (name): _____ must pay the plaintiff (name): _____
 (total amount): \$ _____, which includes:

principal: \$ _____ + interest: \$ _____ + court costs: \$ _____ - offset \$ _____

Reason for offset, if any: _____

d. More than one person owes money on this claim. The liability of each person is:

(1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.)

(2) Other (specify): _____

e. The defendant (name): _____ must give the plaintiff (name): _____
 (specify property): _____ by (date): _____

The property is specified on Attachment 3e.

④ Judgment on the Defendant's Claim

Defendant's name, if more than one: _____

Plaintiff's name, if more than one: _____

Fill in the court name and street address:

Superior Court of California, County of _____

Fill in your case number and case name:

Case Number: _____

Case Name: _____



Case Number: _____

Case name: _____

- a. The defendant's claim against (check one): all parties (name): _____ is dismissed and
 - (1) may not be filed again. (The claim is dismissed with prejudice.)
 - (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)
- b. The plaintiff (name): _____ does not owe any money on this claim.
- c. The plaintiff (name): _____ must pay the defendant (name): _____

(total amount): \$ _____, which includes:

principal: \$ _____ + interest: \$ _____ + court costs: \$ _____ - offset \$ _____

Reason for offset, if any: _____
- d. More than one person owes money on this claim. The liability of each person is:
 - (1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.)
 - (2) Other (specify): _____
- e. The plaintiff (name): _____ must give the defendant (name): _____

(specify property): _____ by (date): _____

 The property is specified on Attachment 4e.

- ⑤ **Payments** (Name): _____

may pay the judgment to (name): _____ as follows:
 - a. Payments of \$ _____ on the _____ day of each (month, week, other) _____,

starting (date): _____ and a final payment of: \$ _____ on (date): _____
 - b. Other payment schedule (specify): _____
 - c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the

judgment. The actual amount of that interest may be different if payments are made late or early.
 - d. The total amount of the payments is the same as the judgment. If all payments are made in full and on time, no

interest will be owed on the judgment and the judgment will have been paid in full.
 - e. If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the

payment plan, and the entire unpaid balance will become due and collectible.

Other Orders

- ⑥ Decisions on other claims or parties are stated in Attachment 6.
- ⑦ After offsetting the judgments on the claims, (name): _____

owes (name): _____ \$ _____
- ⑧ This judgment against (name): _____

is for damage or injury because of an automobile vehicle accident on a California highway caused by the

judgment debtor or by another party for whose conduct the judgment debtor is liable (other than liability because

the party signed a minor's driver's license application).
- ⑨ The court finds that the defendant's rights under the Servicemembers Civil Relief Act were not prejudiced by

the entering of a judgment against the defendant because the defendant was not a servicemember or had notice

and was available to defend this action.
- ⑩ Form SC-202A, *Decision on Attorney-Client Fee Dispute*, is attached.
- ⑪ Other (specify): _____

 Continued on Attachment 11.

Date: _____

Clerk, by _____, Deputy



What to Do After the Court Decides Your Small Claims Case

First, read the court's decisions on pages 1 and 2. They will tell you the court's judgment in this case. **Then read this form.** It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you this *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment* was handed or mailed to you, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See Form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to your small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 4)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.

Important! The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

(Continued on page 4)



If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to your trial, you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, within 30 days* after the *Notice of Entry of Judgment* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

Exception:* If the claim against you was not properly served, you have **180 days from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the *Notice of Entry of Judgment*.

Warning! If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



Need help?

For free help, contact your county's small claims advisor:

[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Case Number: _____

This form is attached to Form SC-200, *Notice of Entry of Judgment*

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The court orders:

- ① **The court will not allow a trial after the arbitration because:**
 - a. The arbitration is binding (final).
 - b. The plaintiff willfully failed to appear at the arbitration hearing.

- ② **The court granted a trial after the arbitration:**
 - a. The trial was held on *(date)*: _____
 - b. The trial will be held at this time and place:

Trial Date →	Time: _____	Dept.: _____	Name and address of court if different than address on Form SC-200: _____ _____ _____
-------------------------	-------------	--------------	--

- ③ **The court corrects the arbitration award as follows *(explain)*:** _____

- Continued on Attachment 3.*
- If this box is checked, all other aspects of the award are confirmed.*

- ④ **The court vacates (cancels) the award and orders:**
 - a. The attorney and client must go to a new arbitration with:
 - new arbitrators. the same arbitrators.
 - b. No new arbitration.

- ⑤ **The court confirms the attached award:**
 - a. Made by the arbitrators.
 - b. As corrected in ③ above.

- ⑥ **The court does not confirm the award and:**
 - a. The award is vacated. See ④ above.
 - b. The case is dismissed.

- ⑦ **The court orders:**
 - a. The attorney client must pay the other party disputed fees and costs of: \$ _____.
 - b. The attorney client must pay the other party costs of this hearing of: \$ _____.
 - c. Neither party has to pay the other party anything.

SC-112A

Proof of Service by Mail

Case Number: _____

See instructions on other side.

This form is attached to the document checked in ② below.

① Server's information

Name: _____ Phone: _____

Street or mailing address: _____

City: _____ State: _____ Zip Code: _____

Check here if you are a registered process server, and write:

County where registered: _____ Registration #: _____

② Form or document served

a. Form SC-105, *Request for Court Order and Answer*

b. Form SC-109, *Authorization to Appear*

c. Form SC-114, *Request to Amend Claim Before Hearing*

d. Form SC-133, *Judgment Debtor's Statement of Assets*

e. Form SC-150, *Request to Postpone Trial*

f. Form SC-221, *Response to Request to Make Payments*

g. Other document allowed to be served by mail (*specify*):

Check here if there is not enough space below to list the document served. List the document on a separate page, and write "SC-112A, Item 2" at the top.

③ Server's declaration

a. I am 18 or older. I am not a party to this small claims case. I live or work in the county where I did the mailing described below.

b. I placed copies of the document checked in ② and an unsigned copy of this page in a sealed envelope, addressed as follows:

Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.

Name of party served	Mailing address on the envelope

c. On (*date of mailing*): _____, I placed each envelope in the mail, with postage paid, at (*city and state of mailing*): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server signs here

Instructions for Form SC-112A, *Proof of Service by Mail*

(This page is **not** part of the *Proof of Service* and does not need to be copied, served, or filed.)

Form SC-112A can be used to show the court that these documents were served by mail:

- Form SC-105, *Request for Court Order and Answer*
- Form SC-109, *Authorization to Appear*
- Form SC-114, *Request to Amend Claim Before Hearing*
- Form SC-133, *Judgment Debtor's Statement of Assets*
- Form SC-150, *Request to Postpone Trial*
- Form SC-221, *Response to Request to Make Payments*
- Other documents that are allowed to be served by mail

Form SC-112A cannot be used to prove service of these forms:

- Form SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- Form SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*

For information about serving these forms, see Form SC-104, *Proof of Service*, and Form SC-104B, *What Is "Proof of Service"?*

The server (the person who will do the mailing):

- **Must not** be a party (plaintiff or defendant) in the case
- **May** be a friend, relative, co-worker, or other helpful person
- **Must** be 18 or older
- **Must** live or work in the county where the mailing takes place

Follow these steps to use Form SC-112A:

1. Prepare Form SC-112A by filling in:

- The case number
- The document to be served, in item ②*
- The names and addresses of the parties to be served, in item ③

*Prepare a separate Form SC-112A for each document to be served.

2. Give the server:

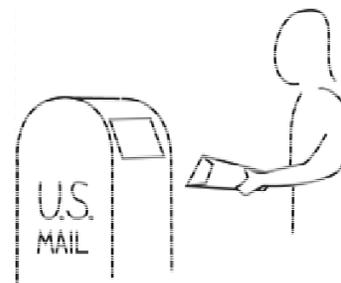
- The partially completed Form SC-112A
- One copy of the document to be served for each party to be served

3. Ask the server to:

- Fill out the remainder of the Form SC-112A.
- Mail *each party to be served*:
 - An unsigned copy of the completed Form SC-112A and
 - The document to be served (checked in Item ②).
- Sign a separate Form SC-112A for each document served, and give it to back you.

4. File these papers with the small claims court clerk:

- The original of each document served, with
- The signed, original *Proof of Service by Mail* attached



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims.

This form is attached to the documents checked in ② below.

I certify that:

① I am a clerk of the Superior Court of California, County of _____, and am not a party to this case.

② I mailed copies of the document checked below:

- a. Form SC-105, *Request for Court Order and Answer*
- b. Form SC-105A, *Order on Request for Court Order*
- c. Form SC-108, *Request to Correct or Cancel Judgment and Answer*
- d. Form SC-108A, *Order on Request to Correct or Cancel Judgment*
- e. Form SC-114, *Request to Amend Claim Before Hearing*
- f. Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*
- g. Form SC-140, *Notice of Appeal*
- h. Form SC-152, *Order on Request to Postpone Trial*
- i. Form SC-200, *Notice of Entry of Judgment* to all parties and a blank Form SC-133, *Judgment Debtor's Statement of Assets* to the judgment debtor only
- j. Form SC-220, *Request to Make Payments*, and a blank Form SC-221, *Response to Request to Make Payments*
- k. Form SC-221, *Response to Request to Make Payments*
- l. Form SC-222, *Order on Request to Make Payments*
- m. The documents listed on the attached page
- n. The following documents (*specify*):

③ True copies of the documents were mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed (*check one*):

- a. as shown on the attached page
- b. as follows:

┌	┐	┌	┐
└	┘	└	┘
┌	┐	┌	┐
└	┘	└	┘

④ The mailing occurred at (*city*): _____, California,
on (*date of mailing*): _____.

Date: _____ Clerk, by _____, Deputy

SC-150

Request to Postpone Trial

Clerk stamps here when form is filed.

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See instructions on other side.

① My name is: _____

Mailing address: _____

Phone: _____

I am a (*check one*): plaintiff defendant in this case.

② My trial is now scheduled for (*date*): _____

③ I ask the court to postpone my trial until (*approximate date*):

④ I am asking for this postponement because (*explain*):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top.

⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 5" at the top.

⑥ **Has your claim been served by a method allowed by law?** (See form SC-104B, What Is "Proof of Service"?, for information about how the claim can be served. Check and complete all that apply):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 6" at the top.

a. No. I am a defendant and have not filed a claim in this case.

b. Yes. The parties listed below have been served:

(1) _____, who lives in: _____, was served on: _____
name county date

(2) _____, who lives in: _____, was served on: _____
name county date

c. No. The parties listed below have not been served (*list names*):

(1) _____ (2) _____

d. I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (*list names*):

(1) _____ (2) _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign here

Instructions for Form SC-150, *Request to Postpone Trial*

(This page is **not** part of Form SC-150 and does not need to be copied, served, or filed.)

Who can use this form?

- Anyone who filed a small claims case and wants to postpone or reschedule the trial for any good reason, including because he or she has not served all of the defendants
- Anyone who was sued in a small claims case and wants to postpone or reschedule the trial for any good reason

Do I have to use this form?

No. You may write a letter instead of using this form. Your letter should explain why you want to change your court date and include the other information that is requested on this form.

How do I ask for a postponement?

- Fill out Form SC-150, *Request to Postpone Trial*, (on the other side of these instructions), or write a letter that includes the information requested on this form.
- Have all other parties in your case served with a copy of your request. You may serve by mail or in person. Use Form SC-104, *Proof of Service*, or Form SC-112A, *Proof of Service by Mail*.
- File your request and the completed *Proof of Service* with the small claims court clerk. You may have to pay a \$10 fee, depending on when (or if) the claim was served. If you cannot afford to pay a required fee, see Form FW-001-INFO, *Information Sheet on Waiver of Superior Court Fees and Costs*.

How will I know the court's decision?

If the court postpones the trial, the court will mail a notice with the new hearing date to all plaintiffs and defendants in this case.

If the court does not postpone the trial, the trial will be on the date when it is currently scheduled. The court will notify the person who filed the *Request*.

If you do not hear from the court, you should go to court on the scheduled trial date.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps here when form is filed.

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On *(date)*: _____ *(name)*: _____
filed a request to postpone the trial in this case.

The court orders:

① **The *Request to Postpone Trial* is approved, and the court orders** the trial is postponed as indicated in ③.

② **The *Request to Postpone Trial* is denied because:**

- a. The *Request* did not include a good reason for the postponement.
- b. The *Request* was not filed at least 10 days before the hearing and did not include a good reason for the late request.
- c. The required \$10 filing fee was not paid.
- d. Other: _____

Continued on Attachment SC-152, item 2(d).

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

③ **The trial will be held as follows:**

Trial Date →

_____ Time: _____ Dept. _____

Name and address of court if different than address above:



Request 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 *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

④ **The clerk will mail a copy of this order to:**

- a. The person who asked for the postponement.
- b. All plaintiffs and defendants at the addresses listed in the court’s records.

Date: _____

Judicial officer



Need help?

For free help, contact your county’s small claims advisor:

[local info here]

Or go to “County-Specific Court Information” at www.courtinfo.ca.gov/selfhelp/smallclaims

SC-200-INFO

What to Do After the Court Decides Your Small Claims Case

First, read the court's decisions on Form SC-200, *Notice of Entry of Judgment*. It will tell you the court's judgment in this case. Then read this form. It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you Form SC-200, *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment was handed or mailed to you*, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See Form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to the small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 2)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.

Important! The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

(Continued on page 2)



If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to the trial, you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment*, **within 30 days*** after the *Notice of Entry of Judgment and Declaration* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

Exception:* If the claim against you was not properly served, you have **180 days from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the Notice of Entry of Judgment.

Warning! If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



Need help?

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[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps here when form is filed.

Not approved by the Judicial Council
Draft Rev. 8-13-09 AW

Read the other side before you fill out this form.

① I am asking for permission to pay my small claims judgment in payments.

My name is: _____

Mailing address: _____

Phone: _____

② On (date): _____, the court made the decision (judgment) that:

I owe (total amount): \$ _____

To (name of party you must pay): _____

Mailing address: _____

Phone: _____

③ I am asking for permission to make payments, instead of paying the full amount all at once, because (explain):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-220, Item 3" at the top.

④ I ask the court to allow me to make payments on the following terms (check and complete all that apply):

a. Payments of \$ _____, on the _____ day of each (month, week, other): _____
Starting (date): _____, until (date of final payment): _____; amount of final payment: \$ _____

b. Other payment schedule (specify): _____

c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if the payments are made late or early. Attach a page that shows how you calculated the interest and write "SC-220, Item 4c" at the top.

d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e. Other (specify): _____

Warning! If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶

Sign here

Payments in Small Claims Cases

General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Read this form.
- Fill out Form SC-220, *Request to Make Payments*. Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out Form EJ-165, *Financial Statement*.
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, and a blank Form SC-221, *Response to Request to Make Payments*.

The other parties will have 10 days to file a Response. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*...

- Read this form and the *Request*.
- If you agree with the *Request*, you do not need to do anything.
- **If you do not agree with the *Request* or you want to be paid interest, file a *Response* within 10 days after the court clerk mailed the *Request* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

To file your Response:

- Fill out Form SC-221, *Response to Request to Make Payments*.
- Have your *Response* served on all other plaintiffs and defendants in your case. (See Form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

Can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (the judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time.

Is interest added after the judgment?

Interest (10 percent per year) is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid

interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal.

When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the creditor asks for interest to be included in the order allowing payments, the creditor may lose any claims for interest. But, if the debtor does not make full payments on time, interest on the missed payment or the entire unpaid balance might become due and collectible.

How do I calculate interest?

If you are proposing a payment schedule that includes interest, you need to itemize the principal and interest for each payment. To do this, you can search on the Internet for "free amortization calculator." Enter the total amount of the judgment as the principal, the interest rate of 10 percent per year, the frequency of payments (monthly, weekly, etc.), and the number or length of payments. Print the results showing the payment amount and how each payment is divided between principal and interest. Attach this to your *Request* or *Response*.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Read this form.
- Fill out Form SC-220, *Request to Make Payments*. Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out Form EJ-165, *Financial Statement*.
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, this information form, and a blank Form SC-221, *Response to Request to Make Payments*.

The other parties will have 10 days to file a **Response**. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*...

- Read this form and the *Request*.
- If you agree with the *Request*, you do not need to do anything.
- **If you do not agree with the *Request* or you want to be paid interest, file a *Response* within 10 days after the court clerk mailed the *Request* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

To file your Response:

- Fill out Form SC-221, *Response to Request to Make Payments*.
- Have your *Response* served on all other plaintiffs and defendants in your case. (See Form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

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How do I calculate interest?

If you are proposing a payment schedule that includes interest, you need to itemize the principal and interest for each payment. To do this, you can search on the Internet for "free amortization calculator." Enter the total amount of the judgment as the principal, the interest rate of 10 percent per year, the frequency of payments (monthly, weekly, etc.), and the number or length of payments. Print the results showing the payment amount and how each payment is divided between principal and interest. Attach this to your *Request* or *Response*.



Need help?

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[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps here when form is filed.

Not approved by the Judicial Council
Draft Rev. 8-13-09 AW

Read both sides of Form SC-220, *Request to Make Payments*, before you fill out this form.

① I am a judgment creditor in this small claims case.
My name is: _____
Mailing address: _____

Phone: _____

② The judgment debtor who asked to make payments in this case is:
(Name): _____

③ I agree to accept the payment plan in the *Request*.

④ I agree to accept a different payment plan (*check and complete all that apply*):
a. Payments of \$ _____
on the _____ day of each (*month, week, other*): _____
Starting (*date*): _____, until (*date of final payment*): _____;
amount of final payment: \$ _____

b. Other payment schedule (*specify*): _____

c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment.
The actual amount of that interest may be different if the payments are made late or early.
Attach a page that shows how you calculated the interest and write "SC-221, Item 4c" at the top.

d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e. Other (*specify*): _____

Important! If any payment is not made in full and on time, you may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

⑤ I do not agree to accept payments because (*explain*):
 If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-221, Item 5" at the top.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign here

Clerk stamps here when form is filed.

Not approved by the Judicial Council
DRAFT Rev. 08-13-09 AW

1 A request to make payments on a small claims judgment was filed by the judgment debtor (name of the person who owes money in this case):

The court orders:

- 2 The Request to Make Payments is denied. The person in 1 must pay the entire judgment immediately.
3 The Request to Make Payments is approved, and the court orders:
a. Payments of \$ on the day of each (month, week, other): starting (date): until (date of final payment): amount of final payment: \$
b. Other payment schedule (specify):
c. The total amount of payments is \$ which includes interest on the unpaid balance of the judgment. The actual amount of that interest may change if the payments are made late or early.
d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.
e. If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.
f. Other (specify):

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

4 The court will make orders on this Request after a hearing, which will take place on:

Hearing Date

Time: Dept.

Name and address of court if different than address above:



Request 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 hearing. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8)

5 Other orders (specify):

Continued on Attachment 5.

Date:

Judicial officer



Need help?

For free help, contact your county's small claims advisor:

[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

See instructions on other side.

To the court clerk:

① My name is: _____
Mailing address: _____

Phone: _____

② I am the (check one):
a. Judgment creditor.
b. Assignee of record.

③ I acknowledge that the judgment owed to (name): _____
_____ was paid or otherwise satisfied on (date): _____
as follows (check and complete one):
a. The judgment has been fully paid or satisfied as to all judgment debtors.
b. The judgment has been fully paid or satisfied as to these judgment debtors only (names and addresses of judgment debtors who have fully paid or satisfied judgment):

(1) Name: _____
Mailing address: _____
street city state zip

(2) Name: _____
Mailing address: _____
street city state zip

(3) Name: _____
Mailing address: _____
street city state zip

(4) Name: _____
Mailing address: _____
street city state zip

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶ _____
Judgment creditor or assignee signs here

Clerk stamps here when form is filed.

Not approved by the Judicial Council
Draft Rev. 8-13-09 AW

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

Instructions for Form SC-290, *Acknowledgment of Satisfaction of Judgment*

(This page is not part of the *Acknowledgment of Satisfaction of Judgment* and does not need to be copied, served, or filed.)

Warning to the judgment creditor or person to whom the judgment has been assigned!

- When a small claims judgment has been fully paid or satisfied, you must file an *Acknowledgment of Satisfaction of Judgment* with the small claims court immediately.
- If the *Acknowledgment* is not filed within 14 days after the judgment debtor requests it, you may have to pay the judgment debtor damages and a penalty.

Use Form SC-290 to acknowledge payment of a small claims judgment if:

- You are the judgment creditor (or assignee), and the judgment debtor has paid the full judgment (or satisfied it in another way), and
- Form EJ-001, *Abstract of Judgment—Civil and Small Claims*, has NOT been recorded for this judgment.

Use Form EJ-100 to acknowledge payment if:

- The judgment debtor has paid only part of the judgment, or
- Form EJ-001, *Abstract of Judgment—Civil and Small Claims*, has been recorded.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims.

Name and Address of Court:

SMALL CLAIMS CASE NO.:

<p>NOTICE TO ALL PLAINTIFFS AND DEFENDANTS: Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.</p>	<p>AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS: Su caso ha sido resuelto por la corte para reclarnos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.</p>
--	--

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each):

DEFENDANT/DEMANDADO *(Name, street address, and telephone number of each):

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

See attached sheet for additional plaintiffs and defendants.

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on (date):

1. Defendant (name, if more than one):
 shall pay plaintiff (name, if more than one):
 \$ _____ principal and \$ _____ costs on plaintiffs claim.
2. Defendant does not owe plaintiff any money on plaintiff's claim.
3. Plaintiff (name, if more than one):
 shall pay defendant (name, if more than one):
 \$ _____ principal and \$ _____ costs on defendant's claim.
4. Plaintiff does not owe defendant any money on defendants claim.
5. Possession of the following property is awarded to plaintiff (describe property):

6. Payments are to be made at the rate of: \$ _____ per (specify period): _____, beginning on (date): _____ and on the (specify day): _____ day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
7. Dismissed in court with prejudice. without prejudice.
8. Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (form SC-132) is attached.
9. Other (specify):

10. This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's drivers license suspended.
11. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
12. This notice was personally delivered to (insert name and date):
13. CLERK'S CERTIFICATE OF MAILING—I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: _____, California

Date of mailing: _____

Clerk, by _____, Deputy

The county provides small claims advisor services free of charge. Read the information sheet on the reverse.

INFORMATION AFTER JUDGMENT	INFORMACION DESPUES DEL FALLO DE LA CORTE
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Your small claims case has been decided. The **judgment** or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the **judgment creditor**. The person (or business) who lost the case and who 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.

IF YOU LOST THE CASE . . .

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is **FINAL**. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
 - a. **PAY THE JUDGMENT**
 The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford. Ask the clerk for information about these procedures.
 - b. **APPEAL**
 If you disagree with the court's decision, you may appeal the decision *on the other party's claim*. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on *all* the claims. If you appeared at the trial, you *must* begin your appeal by filing a form called a *Notice of Appeal* (form SC-140) and pay the required fees within 30 days after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a **new trial** and you must present your evidence again. You may be represented by a lawyer.
 - c. **VACATE OR CANCEL THE JUDGMENT**
 If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fee *within 30 days* after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have 10 days from the date the notice of denial was mailed to file an appeal. The period to file the *Motion to Vacate the Judgment is 180 days* if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

IF YOU WON THE CASE . . .

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
2. If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
 - a. **COLLECTING FEES AND INTEREST**
 Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for a *Memorandum of Costs*.

b. VOLUNTARY PAYMENT

Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**

c. STATEMENT OF ASSETS

If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.

d. ORDER OF EXAMINATION

You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an *Application and Order for Appearance and Examination (Enforcement of Judgment)* (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtors financial records. Ask the clerk for the *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form SUBP-002).

e. WRIT OF EXECUTION

After you find out about the judgment debtor's property, you may ask the court for a *Writ of Execution* (form EJ-1 30) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: **wages, bank account, automobile, business property, or rental income.** For some kinds of property, you may need to file other forms. See the law officer for information.

f. ABSTRACT OF JUDGMENT

The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an *Abstract of Judgment* (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for the *Abstract of Judgment*

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If an *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT (*Do not use this form if an Abstract of Judgment has been recorded.*)

To the Clerk of the Court:

I am the judgment creditor assignee of record.
 I agree that the judgment in this action has been paid in full or otherwise satisfied.
 Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE)

Name and Address of Court:

SMALL CLAIMS CASE NO.:

ATTORNEY-CLIENT FEE DISPUTE (ATTACHMENT TO NOTICE OF ENTRY OF JUDGMENT)
(Attach to Notice of Entry of judgment)

- 1. **Trial after arbitration.** A trial after arbitration of an attorney- client fee dispute
 - a. is denied because
 - (1) The arbitration award is binding.
 - (2) Plaintiff willfully failed to appear at the arbitration hearing.
 - b. is granted, and a trial
 - (1) was held on *(date)*:
 - (2) will be held on *(date)*:

- 2. **Correction of award.** The arbitration award is
 - a. corrected as follows *(specify)*:

b. and in all other respects the award is confirmed as indicated below in item 4b.

- 3. **Vacation of award.** The arbitration award is vacated ("canceled").
 - a. A new arbitration hearing is ordered before
 - (1) new arbitrators. *(See Code of Civil Procedure section 1287.)*
 - (2) the original arbitrators. *(See Code of Civil Procedure section 1287.)*
 The attorney and client are both ordered to appear at the new arbitration hearing.

b. No new arbitration hearing is ordered.

- 4. **Confirmation of award.** The arbitration award is
 - a. not confirmed.
 - (1) The award is vacated under item 3 above.
 - (2) The case is dismissed. *(See Code of Civil Procedure section 1287.2)*
 - b. confirmed
 - (1) As made by the arbitrators. *(A copy of the award is attached.)*
 - (2) As corrected in item 2 above. *(A copy of the award is attached.)*

5. Payment.

- a. The plaintiff defendant shall pay to plaintiff defendant
 - (1) disputed fees and costs of: \$
 - (2) costs of this proceeding of: \$
- b. Neither the plaintiff nor the defendant shall pay the other anything.

-The county provides small claims advisor services free of charge.-

Name and Address of Court:

SMALL CLAIMS CASE NO.

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

REQUEST TO PAY JUDGMENT IN INSTALLMENTS

- 1. I request the court to allow me to make installment payments on the judgment entered against me in this case in the amount and manner stated below.
- 2. My request is based on this declaration, the court records, my completed financial declaration (Form EJ-165—*obtain from court clerk*) attached to this declaration, and any other evidence that may be presented.

NOTE: YOU MUST ATTACH A COMPLETED FINANCIAL DECLARATION WITH THIS REQUEST TO MAKE INSTALLMENT PAYMENTS.

- 3. Judgment was entered against me in this matter on (date): _____ in the amount of (specify): \$ _____
- 4. Payment of the entire amount of the judgment at one time will be a hardship on me because (specify): _____
- 5. I can and will make payments toward the judgment in the amount of (specify): \$ _____ per week month.
- 6. I request the court to order that I make payments as specified in item 5 and that execution on the judgment be stayed as long as I make payments according to this schedule.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF JUDGMENT DEBTOR)

NOTICE TO JUDGMENT CREDITOR

The judgment debtor has requested the court to allow payment of the judgment in installments. Complete the following and return this form to the court within 10 days. You will be notified of the court's order, or, if a hearing is necessary, the date of the hearing.

- 1. I am the judgment creditor, and I have read and considered the judgment debtor's request to make installment payments on the judgment.
- 2. a. I am willing to accept the payment schedule the judgment debtor has requested.
- b. I am willing to accept payments in the amount of (specify): \$ _____ per week month.
- c. I am opposed to accepting installment payments because (specify): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF JUDGMENT CREDITOR)

SEE REVERSE FOR HEARING DATE, IF ANY.

(Continued on reverse)

NOTICE OF MOTION

A hearing will be held on this request as follows:

	DATE	DAY	TIME	PLACE
HEARING DATE	1.			
FECHA DEL JUICIO	2.			
	3.			
	4.			

COURT ORDER

1. The judgment debtor shall pay the full amount of the judgment immediately.
2. The judgment debtor may pay the judgment as follows:
 - a. (If initial lump sum ordered) Pay \$ _____ on (date): _____ of every (specify): _____
 - b. Pay \$ _____ or more on (specify): _____ until the judgment is fully paid.
3. (Missed payments) On the filing of an affidavit or declaration by the judgment creditor showing that any payment due has not been paid, this order shall be set aside and the clerk may issue a writ of execution immediately, without further order of the court.

Date: _____

(JUDGE OR COMMISSIONER)

WARNING: IF YOU MISS A PAYMENT, THE BALANCE OWING ON THE JUDGMENT WILL BECOME DUE IMMEDIATELY.

CLERK'S CERTIFICATE OF MAILING — NOTICE TO JUDGMENT CREDITOR

I certify that I am not a party to this action. This Notice to Judgment Creditor was mailed first class, postage prepaid, in a sealed envelope to the responding party at the address shown on the reverse. The mailing and this certification occurred

at (place): _____, California,

on (date): _____

Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING — NOTICE OF MOTION

I certify that I am not a party to this action. This Notice of Motion was mailed first class, postage prepaid, in a sealed envelope to the responding party at the address shown on the reverse. The mailing and this certification occurred

at (place): _____, California,

on (date): _____

Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING — COURT ORDER

I certify that I am not a party to this action. This Court Order was mailed first class, postage prepaid, in a sealed envelope to the responding party at the address shown on the reverse. The mailing and this certification occurred

at (place): _____, California,

on (date): _____

Clerk, by _____, Deputy

PARTY (Name and address): TELEPHONE NO. (Optional): E-MAIL ADDRESS (Optional): FAX NO. (Optional):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
REQUEST TO POSTPONE SMALL CLAIMS HEARING	CASE NUMBER:

IMPORTANT NOTICES

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

REQUEST

1. I am the plaintiff defendant in this case.
2. a. I request that my small claims hearing (date): _____ be postponed for the following reason (be specific): _____
- b. This request is being made less than 10 days before hearing for the following reason (be specific): _____
3. a. A copy of this request was mailed personally delivered to each of the other parties in this case on (date): _____ at the following address as required by Code of Civil Procedure section 116.570(a)(3) (specify name and address): _____
- b. (Optional) In addition to the requirement above, each of the other parties was also notified of this request by telephone e-mail fax on (date): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

PARTY (Name and address): TELEPHONE NO. (Optional): E-MAIL ADDRESS (Optional): FAX NO. (Optional):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ORDER ON REQUEST TO POSTPONE SMALL CLAIMS HEARING	CASE NUMBER:

1. The request to postpone the small claims hearing is **granted**. The hearing (date):
is changed to:

Date:	Time:	Dept.:	Room:
ALL PARTIES ARE ORDERED TO APPEAR IN COURT AT THE TIME AND PLACE SHOWN ABOVE.			

2. The request to postpone the small claims hearing is **denied**. THE CASE REMAINS SET ON THE ORIGINAL HEARING DATE. ALL PARTIES MUST BE PRESENT ON THAT DATE.
- a. The request was not accompanied by a \$10 filing fee.
 - b. The request was not filed at least 10 days before the hearing and good cause was not shown for the late request.
 - c. Other (specify):

Date: _____ (JUDICIAL OFFICER)

CLERK'S CERTIFICATE OF MAILING COURT ORDER

I certify that I am not a party to this action. This *Order on Request to Postpone Small Claims Hearing* was mailed first class, postage prepaid, in a sealed envelope addressed as shown below. The mailing and this certification occurred at (place):

, California, on (date):

Date: _____ Clerk, _____, Deputy

SPR09-18: Small Claims Plain-Language Forms (adopt forms SC-200 and SC-202A; approve forms SC-112, SC-113, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111(Action Required)

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Nancy Mahan Court Supervisor Superior Court of Kern County	N	Courts are short staffed. This appears to create additional work.	The committee notes the comment, but agrees with the Superior Courts of Riverside and San Bernardino Counties that the proposed forms will make the small claims process easier for litigants, courts, and clerks.
2.	Orange County Bar Association by Michael G. Yoder President	A	Please see specific comments below	No response required.
3.	Superior Court of Riverside County	A	New proposed changes are great; much easier to use and understand by small claims litigants. The request to pay judgment in installments has always been cumbersome for small claims litigants. The new form is self explanatory and easy to follow.	No response required.
4.	Superior Court of Los Angeles County	AM	Please see specific comments below.	No response required.
5.	Superior Court of Orange County by Vickie Dimeo Civil Analyst	AM	Please see specific comments below.	No response required.
6.	Superior Court of San Bernardino County by Cydney Fowler Court District Manager	A	The proposed changes look to be desirable changes and will aid the parties, courts and clerks in filing and processing small claims cases.	No response required.

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7.	Superior Court of San Bernardino County, Legal Research Department and Self Help Program by Debra Meyers	A	Agree w/suggestions (Please see specific comments below.)	No response required.
8.	Superior Court of San Diego County by Michael M. Roddy Executive Officer	AM	Please see specific comments below.	No response required.
9.	Superior Court of Ventura County by Julie Camacho Court Program Manager	AM	Please see specific comments below.	No response required.

Tentative Numbering Plan		
Commentator	Comment	Committee Response
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	<p>The proposed system seems to logically organize the forms by when the form would be used by a litigant.</p> <p>Comment re requests for suggestions concerning any small claims forms that would be helpful but are not included in the attached numbering plan:</p> <ul style="list-style-type: none"> · A small claims change of address form, perhaps one that doesn't require a proof of service · A form re: default in payments which would become the procedure to get an order that the entire amount is now due. On the proposed order form SC-222, it already contains this language: "WARNING: If any payment is not made on time, the person to whom the judgment is owed (the judgment creditor) may file 	<p>No response required.</p> <p>The committee will consider developing proposals for the suggested new small claims forms in the future.</p>

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Tentative Numbering Plan		
Commentator	Comment	Committee Response
	<p>papers asking the court to order that the entire amount of the judgment is due and collectible.”</p> <ul style="list-style-type: none"> · A form which allows the judgment debtor to request that the court file a Satisfaction because the judgment creditor refuses to do so · A form to allow the plaintiff to dismiss the claim prior to hearing. [Example provided] 	

Form SC-112A, Proof of Service by Mail		
Commentator	Comment	Committee Response
Superior Court of Orange County	<p>At #1 Under heading “How to Serve by Mail” it states to give the server one copy of the forms and documents to be served for each plaintiff and defendant in the case and to provide the name and address of each plaintiff and defendant. This may be confusing since a copy of the form/document is required for each party being served, not each plaintiff and defendant. If the plaintiff is requesting a postponement, he does not need to be served. Suggest changing the last bullet point to read “The name and address of each person being served by mail.”</p> <p>At #2 For clarity, suggest changing first bullet point to read “Complete the Proof of Service by Mail/Declaration of Server (on other side of this page).” At 2nd bullet point, suggest changing wording from “to each plaintiff and defendant, as described in the declaration” to read “to each person, described in the declaration” as not each plaintiff</p>	<p>Consistent with the commentator’s suggestion, the instructions for Form SC-112A have been revised to state that the party for whom the documents are being served should complete the names and addresses <i>of the parties to be served</i> and give the server one copy of the document to be served <i>for each party to be served</i>.</p> <p>Consistent with the commentator’s suggestion, the instructions for Form SC-112A have been revised to more clearly instruct the party for whom the documents are being served to prepare the form by filing in: the case number, the document to be served, and the names and addresses of the parties to be served. However, the form is</p>

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Form SC-112A, Proof of Service by Mail		
Commentator	Comment	Committee Response
	<p>and defendant will need to be served.</p> <p>At #3, it states “to file it with the small claims court clerk.” Suggest using same term as used on other small claims forms (“Court Clerk's Office”).</p>	<p>referred to by its number, rather than its name, to improve readability.</p> <p>The committee does not recommend revising this provision because the proposed forms consistently refer to the small claims court clerk rather than the Court Clerk’s Office.</p>
<p>Superior Court of San Bernardino County, Legal Research Department and Self Help Program</p>	<p>“Who may be the server” -- litigants often ask whether family can serve the papers. It might be helpful to add a few more words, such as “May be family, friend, co-worker, or anyone helpful”</p> <p>“How to serve” -- We typically instruct the litigant to fill out the P/S form, except for the part of the server (when, signature), etc. The first instruction to the server is to complete the form. This suggests that the form should be completed (i.e., signed) prior to service, but it is supposed to be after the fact of service. Also, the last sentence is a bit vague and might be helped by adding “back”: “Sign a declaration for each form or document served, and give it back to you.”</p>	<p>The committee has revised the instructions for completing the proof of service form along the lines suggested by the commentator.</p>

Form SC-150, Request to Postpone Trial		
Commentator	Comment	Committee Response
<p>Superior Court of Los Angeles County</p>	<p>Page 16(SC-150), First paragraph, 3rd bullet, 3rd line, delete “Form SC-150”, insert “Request to Postpone Trial,” (between 150 and but), insert “on the form.”</p>	<p>The committee has replaced the bullet that the commentator refers to with the following text:</p> <p style="text-align: center;">Do I have to use this form?</p>

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Form SC-150, Request to Postpone Trial		
Commentator	Comment	Committee Response
	<p>Should read: <i>You may write a letter explaining why you want to change your court date instead of using Form SC-150, Request to Postpone Trial, but it should include the same information as on the form.</i></p> <p>Page 16 (SC-150), Second paragraph, 3rd bullet, 2nd line, delete “may be”, insert, “is”, delete “depending on whether and when”, insert “if”, delete “was”, insert has been”</p> <p>Should read: <i>File this Request and the Proof of Service with the small claims court clerk. A \$10 filing fee is required, if the claim has been served.</i></p> <p>Page 16 (SC-150), Third paragraph, 2nd bullet, insert “to” (between mail and all), insert “,” after defendants, insert “who have been properly served,” after defendants.</p> <p>Should read: <i>If the court approves the Request, it will mail to all plaintiffs and defendants who have been properly served a notice of the new trial date.</i></p>	<p>No. You may write a letter instead of using this form. Your letter should explain why you want to change your court date, and include the other information that is requested on this form.</p> <p>The committee does not recommend revising this provision to state that a \$10 fee <i>is</i> required if the claim has been served, because the requirement to pay this fee depends on how long before the hearing the claim was served and where the defendant resides. (See Code Civ. Proc. §§ 116.570(d) and 116.340(b).)</p> <p>The committee does not recommend revising this provision as suggested because Code of Civil Procedure section 116.570(a)(4) provides, in part, that the court “shall notify <i>all parties</i> by mail of the new hearing date, time, and place.” (Italics supplied.)</p>
Superior Court of Orange County	<p>Suggest having a check box on the form to indicate that the party has submitted the required fee.</p> <p>On the Information sheet for Request to Postpone Trial,</p>	<p>The committee does not recommend adding a checkbox to indicate that a required fee has been paid because other filings for which a fee is required do not include such a checkbox and whether a fee was paid can normally be determined from the court’s file/cash register stamp or accounting system.</p> <p>Consistent with the commentator’s suggestions, the</p>

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Form SC-150, Request to Postpone Trial		
Commentator	Comment	Committee Response
	under heading “The Court Will”, suggest changing the 3rd bullet point to state “If the court does not approve the Request or if you do not hear from the court, the trial will be on the date it is currently scheduled.” This will inform the party that they still need to appear on the trial date even if the court has not ruled on their Request.	committee has revised the instructions to include the statement: “If you do not hear from the court, you should go to court on the scheduled trial date.”
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	Item 6, box 1: Would it confuse a plaintiff to have the selection of “have not filed a claim”, since the claim had to be filed to get the hearing date. (See CCP 116.350(a).) If this selection is because of the defendant requesting a postponement, is it more logical to put it at the end of the plaintiff’s list and read: “I am the defendant and have not filed a claim”	The committee has revised this item, similarly to the commentator’s suggestion, to state: “No. I am a defendant and have not filed a claim in this case.” The committee has not moved the item to the end of item 6, because keeping it at the beginning should be clearer to defendants who are requesting postponements and should not confuse plaintiffs.
Superior Court of San Diego County	Form SC-150 – Page 1, Section 6: Form to be used by both plaintiff and defendant to request postponement. Form includes option: “ <input type="checkbox"/> I have not filed a claim in this case.” To clarify option, insert the word “Defendant’s” before the word “claim” to read: “ <input type="checkbox"/> I have not filed a Defendant’s claim in this case.”	The committee has revised this item, similarly to the commentator’s suggestion, to state: “No. I am a defendant and have not filed a claim in this case.”
Superior Court of San Diego County	Form SC-150 – Page 1, Section 6: Form to be used by both plaintiff and defendant to request postponement. Form includes option: “ <input type="checkbox"/> I do not know whether my claim has been served on the following defendants (names): _____.” If this option is marked, how does clerk, judicial officer or party determine if the \$10 fee is due? (See, SC-152 Order to Request to Postpone Trial section 2.C. and SC-150 Request to Postpone Trial Page 2, “To ask the court to postpone your trial”, last bullet). Consider	The committee has revised item 6d to clarify that the party requesting the postponement does not know whether the claim has been served <i>because the court clerk mailed the claim and the party submitting the request does not know whether the receipt was signed and returned.</i> This is intended to alert court staff to check the court records to determine whether a fee is due.

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Form SC-150, Request to Postpone Trial		
Commentator	Comment	Committee Response
	<p>removing option to avoid confusion. Uncertainty regarding service can be included by the party under Sections 4 or 5 of the SC-150 form.</p> <p>Form SC-150 – Page 1, Section 6: Form to be used by both plaintiff and defendant to request postponement. Section 6 only refers to “defendants” in terms of service status. This terminology could be confusing if the request is being made by a defendant on their claim. Consider change to “defendant” to “party”.</p> <p>Form SC-150 – Information Sheet: Form indicates that a \$10 fee may be required to file the form. Should Information Sheet include information regarding Fee Waivers?</p>	<p>Items 6b–d have been revised, as suggested by the commentator, to change defendant to party or parties.</p> <p>The committee agrees and has included the following text in the revised instructions for Form SC-150:</p> <p style="padding-left: 40px;">If you cannot afford to pay a required fee, see Form FW-001-INFO, <i>Information Sheet on Waiver of Superior Court Fees and Costs</i>.</p>
Superior Court of Ventura County	The Request to Postpone Small Claims Hearing form is used by small claims litigants to continue hearings other than the small claims trial, including Small Claims Trial De Novo hearings. It is recommended that the title and content of the form be worded in a manner as to allow small claims litigants to continue to use the form to request the continuance of hearings other than the trial.	The committee agrees that a form for requesting postponement of small claims hearings other than the trial may be beneficial, but is not recommending that SC-150 be adapted for more general use at this time. The current form (SC-110) and the proposed form elicit information that is specific to the postponement of the small claims trial under Code of Civil Procedure section 116.570, and adapting this form for other purposes would require substantive changes that should be circulated for comment. The committee will consider adapting this form or developing another form for requesting other postponements in the future.

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Form SC-152, Order on Request to Postpone Trial		
Commentator	Comment	Committee Response
Superior Court of Orange County	Form SC-152 Order on Request to Postpone Trial #4(b) states that the clerk will mail a copy of this order to “all plaintiffs and defendants listed in the court’s records.” A copy of the order is only sent to out to the plaintiff and to defendants that have been served.	The committee does not recommend revising this provision because Code of Civil Procedure section 116.570(a)(4) provides, in part, that the court “shall notify <i>all parties</i> by mail of the new hearing date, time, and place.” (Italics supplied.)
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	<u>Order on Request to Postpone Trial</u> <u>Order on Request to Make Payments Over Time</u> As a matter of procedure, who prepares these forms? The instructions do not require the litigant to prepare and/or submit either this form. Should the clerk’s offices be asked to take on this additional work, especially in this time of cutbacks that may lead to very tight staffing? If the litigant is supposed to prepare the forms (name, address, court information), that should be added to the instructions.	The committee anticipates that courts will prepare these orders, as they currently prepare form SC-111, <i>Order on Request to Postpone Small Claims Hearing</i> , and the Court Order section of form SC-106, <i>Request to Pay Judgment in Installments</i> . The committee also anticipates that these proposed new forms will be easier for courts to complete than the current forms.

Form SC-200, Notice of Entry of Judgment		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	Page 18 (SC-200, page 1 of 2), #3, letter c, 2 nd line, lowercase t in “The”, move period after parenthesis.	The committee does not recommend making the suggested grammatical revision because the parenthetical text is a complete sentence that explains the meaning of joint and

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Form SC-200, Notice of Entry of Judgment		
Commentator	Comment	Committee Response
	<p>Should read: <i>Joint and several (the creditor may collect the entire judgment from any debtor).</i></p> <p>Page 19, (SC-200 Page 2 of 2), #4, letter c, lowercase t in “The”, move period after parenthesis.</p> <p>Should read: <i>Joint and several (the creditor may collect the entire judgment from any debtor).</i></p>	<p>several liability.</p> <p>Please see response immediately above.</p>
Superior Court of Orange County	<p>Suggest #2 state that enforcement of judgment is postponed for 30 days “from the date of mailing” to clarify that it is not from date of entry.</p> <p>Form contains check box for dismissal of entire claim, suggest having a check box for use when only one party is dismissed.</p> <p>Cost of mailing of this form will increase due to the number of pages (at least 7 pages including SC-220, SC-220-INFO, SC-133 Judgment Debtor's Statement of Assets, and Clerk's Certificate of Mailing.)¹</p>	<p>Consistent with the commentator’s suggestions, the committee has included information in the introductory section and in item 2 of Form SC-200-INFO to clarify that enforcement of the judgment is postponed for 30 days from the date that the Notice of Entry of Judgment is <i>mailed or handed</i> to the parties, rather than from the date of entry. (See Code Civ. Proc. § 116.750(b).)</p> <p>The committee agrees and has added checkboxes in items 3a and 4a to accommodate the dismissal of the claim against all or specified parties.</p> <p>The committee concluded that the benefits of making the Notice of Entry of Judgment, which sets forth the court’s decision on the case, and the information about what to do after the entry of judgment form more readable and complete justify the additional two pages (1 sheet) that this will require.</p>

¹ This comment apparently pertains to SC-200 and SC-200-INFO, rather than to SC-220 and SC-220-INFO, which relate to paying a judgment over time.

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Form SC-200, Notice of Entry of Judgment		
Commentator	Comment	Committee Response
	Currently the form automated via CCMS is a one page form with data extracted from minute entries. With the proposed form, in addition to the added cost for mailing, data extraction from CCMS will be difficult because of the numerous fields that need to be populated. If the form is not generated from CCMS, clerk needs to complete the form, enter the information into CCMS, and send it for imaging. This would have a tremendous impact on workload.	In response to this comment and others, the committee is recommending that form SC-200 be adopted as an alternative mandatory form, so that courts can continue to use current form SC-130, <i>Notice of Entry of Judgment</i> , until the California Courts Case Management System (CCMS) or their local case management system are modified to generate form SC-200.
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	The form should include a check box for recovery of court fees from non-prevailing party, per new fee waiver law for 7/1/09. “ _____ ordered to pay to court costs of \$ _____, as _____ is the prevailing party and filed this claim under a fee waiver order.” Also suggest including information about the changes in fee waiver law and that a satisfaction of judgment cannot be obtained until the court fees are paid.	The committee agrees that it would be beneficial to include information about the recovery of previously waived court fees and costs in the <i>Notice of Entry of Judgment</i> and/or in proposed form SC-200-INFO, <i>What to Do After the Court Decides Your Small Claims Case</i> . However, because this would be a significant substantive change to either form, any such provision should first be circulated for public comment. The committee will consider a proposal to revise small claims forms to include information about previously waived fees and costs in the future.
Superior Court of San Diego County	Form SC-200 – Page 1, Section 3b: Form sets out space to insert costs. If the prevailing party has a fee waiver, costs are to be paid directly to the court; however, in some cases, fees are owed to other agencies for services provided under the fee waiver (example: service of claim by Sheriff). Form should provide additional space to allow a break down of costs and who they are owed to when the prevailing party has a fee waiver.	Please see the committee’s response, immediately above, to the comment of the Superior Court of San Bernardino County Legal Research Department and Self Help Program.

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Form SC-200, Notice of Entry of Judgment		
Commentator	Comment	Committee Response
	<p>Form SC-200 – Page 1, Section 3e: Form sets out in plain language the difference between dismissal with and without prejudice. Should “(with prejudice)” and “(without prejudice)” follow the plain language explanation to help marry the informal and formal terms?</p> <p>Form SC-200 – Page 1 and 2: Form refers to attachments 3d, 4d, 5, and 11. Form should make clear that the person making the request is required to create the attachment. Parties often ask for the attachments because they think they are a form. Other forms direct them to label a separate page as “#” and attach. Consistency would be helpful in this instance.</p>	<p>The committee agrees and has added parenthetical text stating that the claim is dismissed with or without prejudice in this provision (which has been renumbered as item 3a).</p> <p>The committee has revised the instructions about attachments to forms that the litigants complete, so that these are more consistent and more clearly indicate that the attachments referred to are not court forms. However, the committee did not revise the instructions about attachments to form SC-200 because this form is completed by the court, rather than by parties.</p>
Superior Court of Ventura County	<p>Notice of Entry of Judgment – For those courts that are currently utilizing the CCMS-V3 Case Management System, the Notice of Entry of Judgment is a form that is populated and generated by the system. The courts have been faced with many challenges in getting the form to populate with codes used in the courtroom when creating minute orders. There is currently a list of outstanding defects that Deloitte is working on. This new form will raise a new list of new challenges in getting the form to populate because there are many new fields that currently do not exist. It is recommended that a level of effort be coordinated between the AOC members assigned to the CCMS-V3 project and the Deloitte Maintenance Team so that sufficient time can be provided to properly develop, test and implement this change.</p>	<p>In response to this comment and others, the committee is recommending that form SC-200 be adopted as an alternative mandatory form, so that courts can continue to use current form SC-130, <i>Notice of Entry of Judgment</i>, until the California Courts Case Management System (CCMS) or their local case management system are modified to generate form SC-200.</p>

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 20 (SC-200-INFO, Page 1 of 2), In “If You Lost the Case” Box, #1, 2nd line, replace “may” with “can”.</p> <p>Should read: <i>1. If you lost the case on your own claim and the court did not award you any money, the court’s decision on your claim is FINAL. You cannot appeal your own claim.</i></p> <p>Page 20 (SC-200-INFO, Page 1 of 2), In “If You Lost the Case” Box, #2, delete all three “may” and replace with “can”.</p> <p>Should read: <i>2. If you lost the case and the court ordered you to pay money, your wages, money, and property can be taken to pay the claim. Interest at the rate of 10 percent per year can be added each day that the judgment remains unpaid. And, if the judgment is for an automobile accident on a California highway, the Department of Motor Vehicles can suspend your driver’s license until the judgment is paid. To prevent this, you can do one of the following things:</i></p>	<p>The committee has replaced “may not” with “cannot” (among other revisions to this text).</p> <p>The committee has replaced “may” with “can” in two instances (among other revisions to this text). The committee has not made this revision regarding the addition of interest, because some courts do not add interest to judgments that are payable in installments. (See Form SC-220-INFO, <i>Payments in Small Claims Cases.</i>)</p>

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 20 (SC-200-INFO, Page 1 of 2), In “If You Lost the Case” Box, letter a, replace “may” on 2nd, 3rd, 5th and 9th line with “can”.</p> <p>Should read: <i>a. PAY THE JUDGMENT</i> <i>The law requires you to pay the amount of the judgment. You can pay the judgment creditor directly. Or, for an additional fee, you can pay the judgment to the court. (See Form SC-145, Request to Pay Judgment to Court.) You can also ask the court to let you pay the judgment over time, instead of all at once. (See Form SC-220, Request to Make Payments over Time.) After you have paid the judgment in full, you can ask the judgment creditor to file papers confirming that you have done this. (See Form SC-290, Acknowledgment of Satisfaction of Judgment.) Ask the small claims advisor, an attorney, or the court clerk for information about these procedures.</i></p>	The committee has replaced “may” with “can” (among other revisions to this text).

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 20 (SC-200-INFO, Page 1 of 2), In “If You Lost the Case” Box, letter b, replace “may” on 3rd, 6th and 15th line with “can”.</p> <p>Should read: <i>b. APPEAL</i> <i>If you went to the small claims trial and disagree with the court’s decision on the other party’s claim, you can appeal that decision. (If you did not go to the trial, you must file a motion to vacate the judgment, as explained below, before you can appeal.) You cannot appeal the decision on your own claim However, if any party appeals, there will be a new trial on all the claims.</i></p> <p><i>If you went to the trial, you must file a Notice of Appeal and pay the required fees within 30 days after the date the Notice of Entry of Judgment was mailed or handed to you. (See Form SC-140, Notice of Appeal.) Your appeal will be in the superior court. You will have a new trial and you must present your evidence again. You can be represented by a lawyer.</i></p>	The committee has replaced “may” with “can” (among other revisions to this text).

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 20 (SC-200-INFO, Page 1 of 2), In “If You Lost the Case” Box, letter c, replace “may” on 1st line with “can”. Delete “then” on 8th line.</p> <p>Should read: c. MOVE TO VACATE (CANCEL) THE JUDGMENT <i>If you did not go to the trial, you can ask the court to vacate (cancel) the judgment. To make this request, you must file a motion to vacate the judgment and pay the required fee within 30 days after the date the Notice of Entry of Judgment was served. (See Form SC-135, Notice of Motion to Vacate Judgment and Declaration.) If your request is denied, you have 10 days from the date the notice of denial was mailed to file an appeal. If you were not properly served with the claim, the deadline to file a motion to vacate the judgment is 180 days from when you found out or should have found out about the judgment against you.</i></p>	The committee has replaced “may” with “can” and deleted “then” (among other revisions to this text).

SPR09-18: Small Claims Plain-Language Forms (adopt forms SC-200 and SC-202A; approve forms SC-112, SC-113, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111(Action Required)

Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 21 (SC-200-INFO, Page 2 of 2), #1, replace “may” with “can”.</p> <p>Should read: <i>If you were sued by the other party and you won the case, the other party cannot appeal the court’s decision.</i></p> <p>Page 21 (SC-200-INFO, Page 2 of 2), #2, 3rd line, delete “may”, insert “can”, delete “follow”, insert “are listed below”.</p> <p>Should read: <i>2. If you won the case and the court awarded you money or property, you may need to take additional steps. THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU. Some steps you can take to collect your money or get possession of your property are listed below. You can find more information about how to collect your small claims judgment on the California courts Web site, at www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.</i></p>	<p>The committee has deleted this sentence from the revised form. The committee considered this sentence unnecessarily repetitive of the following text on page 1 of the proposed form:</p> <p>If the court did not award you any money on a claim that you filed... The court’s decision on your claim is normally final. You cannot appeal the decision on your own claim, but, you may be allowed to ask the court to correct a mistake in the judgment.</p> <p>The committee has revised this paragraph to provide:</p> <p>If the court ordered the other side to pay you... You are the <i>judgment creditor</i>. You must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.</p>

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 21 (SC-200-INFO, Page 2 of 2), letter a, 5th line, delete “may”, insert “must”</p> <p>Should read: a. COLLECTING FEES AND INTEREST <i>Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, you must file Form MC-010, Memorandum of Costs (Summary).</i></p>	<p>The committee has revised this text as follows:</p> <p>You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order that the other side repay you for these expenses.</p> <p>The committee has deleted the reference to <i>Form MC-010, Memorandum of Costs (Summary)</i> because this optional form relates primarily to pre-judgment costs, which are typically awarded when small claims judgments are made; motions for costs must be made within 15 days after the notice of entry of judgment is mailed by the clerk (see Cal. Rules of Ct., rule 3.1700); and ensuing motions to strike or tax costs would be overly complicated for most small claims cases.</p>
Superior Court of Los Angeles County	<p>Page 21 (SC-200-INFO, Page 2 of 2), letter b, 3rd line, insert “installment” between take and payments.</p> <p>Should read: b. VOLUNTARY PAYMENT <i>Ask the judgment debtor to pay the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take installment payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.</i></p>	<p>The committee does not recommend making the suggested revision because “installment payments” is unnecessarily complex. The committee also concluded that the new and revised forms should consistently use the term “payments” rather than “installments.”</p>

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 21 (SC-200-INFO, Page 2 of 2), letter d, 1st line, delete “may” and insert “can”. 3rd line, after file, insert “SC-134, Application and Order to Produce Statement of Assets and to Appear for Examination or ”</p> <p>Should read: <i>d. ORDER FOR EXAMINATION AND SUBPOENA OF FINANCIAL RECORDS</i> <i>You can also have the debtor come to court to answer questions about income and property. To do this, fill out and file Form SC-134, Application and Order to Produce Statement of Assets and to Appear for Examination or Form EJ-125, Application and Order for Appearance and Examination and pay the required fees. To obtain the judgment debtor’s financial records, fill out Form SC-107, Small Claims Subpoena and Declaration, take it to the small claims court clerk to be issued, and then have it served.</i></p>	<p>The committee has revised and reformatted paragraphs 2c and 2d as a bulleted list, and believes that this will address the commentator’s suggestion regarding Form SC-134. The committee has also replaced several instances of “may” with “can.”</p>

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Form SC-200-INFO, What to Do After the Court Decides Your Small Claims Case [Circulated for comment as <i>Information and Instructions After Entry of Judgment</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 21 (SC-200-INFO, Page 2 of 2), letter e, 2nd line, delete “may”, insert “can fill out Form EJ-130, Writ of Execution and”, delete “a”, insert “the fee for”, 4th -5th line, delete (See Form EJ-130, Writ of Execution).</p> <p>Should read: <i>e.. WRIT OF EXECUTION Once you know about the judgment debtor’s property, you can fill out Form EJ-130, Writ of Execution and ask the court clerk to issue the fee for a law officer (sheriff or marshal) to take the debtor’s property to pay your claim. Some examples of property the officer may be able to take are wages, [bank] accounts, automobiles, business property, or rental income. You will need to pay fees to the court clerk for issuing the Writ of Execution and to the law officer for taking the debtor’s property.</i></p>	<p>The committee has replaced “may” with “can” and made other revisions to this text, which incorporate the commentator’s suggestion regarding Form EJ-130.</p> <p>The committee has replaced the sentence regarding fees for issuing the Writ of Execution and taking the debtor’s property with the following general provision at the end the form:</p> <p>You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order that the other side repay you for these expenses.</p>

SPR09-18: Small Claims Plain-Language Forms (adopt forms SC-200 and SC-202A; approve forms SC-112, SC-113, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111(Action Required)

Form SC-220, <i>Request to Make Payments</i> [Circulated for comment as <i>Request to Make Payments Over Time</i>]		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 23 (SC-220), #2, 2nd line, delete “this”, and insert “the”.</p> <p>Should read: <i>On (date) _____ the court entered a judgment that I owe a total of \$_____ to the judgment creditor (the person to whom money is owed):</i></p> <p>Page 24, 2nd box, 2nd bullet, 6th line, insert “collect” between to and interest.</p> <p>Last line should read: <i>“you may lose your rights to collect interest on the judgment.</i></p> <p>Page 25, 1st box, 2nd paragraph, delete “may” with “can” on 2nd and 4th line.</p> <p>Should read: <i>A party who lost a small claims case (the judgment debtor) can ask the court to allow him or her to pay the judgment over a period of time, instead of all at once. If the court grants the request, the party who is owed money (the judgment creditor) cannot take any other action to collect the money as long as the full payments are made on time.</i></p>	<p>The committee has revised item 2, in part to provide:</p> <p>On (date): _____ the court made the decision (judgment) that I owe (total amount) \$ _____ to (name of person you must pay): _____</p> <p>The committee has revised this clause as suggested.</p> <p>The committee has replaced “may” with “can” as suggested (among other revisions to this text).</p>

SPR09-18: Small Claims Plain-Language Forms (adopt forms SC-200 and SC-202A; approve forms SC-112, SC-113, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111(Action Required)

Form SC-222, Order on Request to Make Payments [Circulated for comment as <i>Order on Request to Make Payments Over Time</i>]		
Commentator	Comment	Committee Response
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	<p><u>Order on Request to Postpone Trial</u> <u>Order on Request to Make Payments Over Time</u></p> <p>As a matter of procedure, who prepares these forms? The instructions do not require the litigant to prepare and/or submit either this form. Should the clerk’s offices be asked to take on this additional work, especially in this time of cutbacks that may lead to very tight staffing? If the litigant is supposed to prepare the forms (name, address, court information), that should be added to the instructions.</p>	The committee anticipates that courts will prepare these orders, as they currently prepare form SC-111, <i>Order on Request to Postpone Small Claims Hearing</i> , and the Court Order section of form SC-106, <i>Request to Pay Judgment in Installments</i> . The committee also anticipates that these proposed new <i>optional</i> forms will be easier for courts to complete than the current forms.

Form SC-290, Acknowledgment of Satisfaction of Judgment		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>Page 28, ADD, 4 (need to include information /declaration re: payment to the court of waived fees)</p> <p>Page 29 (SC-290), Third paragraph insert 3rd bullet, need to include information/declaration re: payment to the court of waived fees.</p>	The committee agrees that one or more small claims forms should provide information about the recovery and payment of previously waived court fees and costs. However, public comment should be invited regarding the form(s) that this information should be included in and the information to be provided. The committee will consider a proposal to revise small claims forms to include information about previously waived fees and costs in the future.

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Form SC-290, Acknowledgment of Satisfaction of Judgment		
Commentator	Comment	Committee Response
Superior Court of San Bernardino County, Legal Research Department and Self Help Program	Suggest including information re fee waiver recovery.	Please see the committee’s response, immediately above, to the comment of the Superior Court of Los Angeles County.
Superior Court of Ventura County	Acknowledgment of Satisfaction of Judgment (Small Claims) – It is recommended that a “Date Judgment Was Paid” field be added to this form. On many occasions judgment creditors file the form long after they have collected payment. This information is currently not contained on the form and consequently credit agencies report this information and it appears to those receiving the reports that the debtor was delinquent in paying the judgment creditor the money owed. The Ventura Superior Court has received numerous complaints from small claims judgment debtors regarding this issue. This added information would assist in clarifying when judgment was paid, even when the filing of the satisfaction is delayed.	The committee has added a space for the judgment creditor to provide the date on which the judgment was paid or satisfied to item 3 of Form SC-290.