

Invitation to Comment

Title	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; and revoke forms SC-106, SC-110, SC-111, SC-130, and SC-132)
Summary	Small claims forms should be drafted and organized so that they can be easily understood and completed by parties representing themselves in small claims court and should guide the one-time or infrequent litigant through the court process. This proposal includes 12 new forms in the plain language format to help small claims litigants and courts complete and establish service by mail (forms SC-112A and SC-113A); make and address requests to postpone small claims trials (forms SC-150 and SC-152); give and understand the notice of the entry of a small claims judgment, including the decision on an attorney-client fee dispute (forms SC-200, SC-200-INFO, and SC-202A); make and respond to requests to pay small claims judgments over time (forms SC-220, SC-220-INFO, SC-221, and SC-222); and acknowledge the satisfaction of small claims judgments (form SC-290). The advisory committee is also inviting comments concerning a tentative long-range plan for organizing and numbering the complete set of small claims forms, so that they are more easily accessible to small claims court users.
Source	Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair
Staff	Alan Wiener, 818-558-3051, alan.wiener@jud.ca.gov

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.¹ Equal access to court may be impaired if court forms are difficult for users to access, complete, and understand.

To improve access to the courts, the Judicial Council has approved and adopted plain language forms for use in small claims and other actions

¹ 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).

and proceedings. 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.

There are currently 15 small claims forms in the plain language format. The forms now being circulated for comment 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.

The proposed forms are attached, beginning at page 12, and their key features are highlighted below.

Ongoing Plain Language Design Features

The proposed forms include many features of existing small claims plain language forms that make the forms easier to complete and understand.

Layout and style

All information previously included in the caption is now located in the body of the form. When possible, direct address pronouns (such as *you*) are used in place of legal terms to make the text easier for self-represented parties to understand. The person filling out the form is guided through the form with white space for better readability and prompts that explain the next step.

Form number and title

The form number and title are prominently displayed in the upper-left corner where a reader may expect to find them. In references to forms, numbers are preferred over titles, because people remember and refer to form numbers more easily than names. Some form titles have been modified to help parties more readily understand the nature of the document.

Footer

The address of the California Courts Web site is included in the footer to help users find information about small claims court and the forms.

Readability

The text has been revised to be accessible to users at a sixth grade reading level and above. The typeface has been changed to a more readable font and is larger than in many current forms. The language is simple and

direct while preserving the legal intent. Numbers with a strong graphic presence make it easier to navigate the text. The reader sees them at a glance and understands where things begin and end and can better determine how long the process may take.

New Plain Language Design Features

The design of the proposed forms differs from that of existing plain language small claims forms in several respects. These design changes are intended to make the forms more user-friendly for litigants, judicial officers, and court staff. If they are found to be beneficial, these design changes would be incorporated in other small claims forms as they are revised, so that there is overall consistency within this set of forms.

Information and instructions on reverse or separate forms

Some existing plain language small claims forms begin by providing information about the purpose, use, and subject matter of the form, immediately below the form name and title.² Most of the proposed forms instead begin with a self-explanatory title, refer the user to information and instructions on the reverse side or on a separate information form, and then immediately prompt the user to provide the information that is pertinent to the particular form. Expanded information and instructions about the purpose, use, and subject of the form are then included on the reverse side or on the separate information form.

This approach allows the person completing the form to more readily see what information he or she is required to provide and to provide that information. It also helps to allow the fillable portion (that is, the substantive content) of most forms to fit on a single page, which makes it unnecessary to copy, serve, or file the second page and unnecessary for other parties, judicial officers, and court staff to look at a second page to see the complete submission.

Separate forms for requests, responses, orders, and proofs of mailing

Current small claims forms commonly include different sections that serve different functions and are completed by different people. One form that is not yet in the plain language format combines the request for an order, the response to that request, the court order, and three proofs of mailing in a single form.³ Two forms that have already been converted to

² See, for example, *Request for Court Order and Answer* (form SC-105) and *Request to Correct or Cancel Judgment and Answer* (form SC-108).

³ See *Request to Pay Judgment in Installments* (form SC-106).

the plain language format still combine a request for an order, an answer to that request, and two proofs of mailing in a single document.⁴

The advisory committee is now proposing separate forms to request court orders, respond to those requests, and make orders on the requests. The committee is also proposing separate forms for parties and court clerks to establish that these and other small claims forms have been mailed to parties in the action, which would be optional attachments to the form that was served.

Separate forms for requests, responses, and orders will be easier for litigants to complete, because different portions of forms that combine these functions must be filled out depending on whether the individual is requesting an order or responding to a request. Separate forms will also:

- Be easier for litigants to understand because the significance of a combined form and the actions that it requires depends on its stage of completion;
- Facilitate the electronic completion of requests, responses, and orders because document assembly software needs to perform different functions depending on what portion of the form is being completed; and
- Prevent difficulties and confusion that arise from the need to file a single form multiple times, at various stages of processing (for example, confusion about what portion of the document was filed on what date).

Separate proof of mailing forms will make it unnecessary to include the names and addresses of all parties to the action in each request and response. This will allow the persons completing and reading those forms

⁴ The *Request for Court Order and Answer* (form SC-105) and *Request to Correct or Cancel Judgment and Answer* (form SC-108). Both forms prompt the party making the request to provide his or her own name and address in item 1 and the names and addresses of all other plaintiffs and defendants in item 2. If the request is being made after the claim was served and before entry of judgment, the party making the request is also prompted to indicate that the request was mailed or personally delivered to each of the parties listed in item 2. (Presumably, if the request is made after the entry of judgment, the court clerk will mail a copy to the other parties, as required by rule 3.2107(b).) An item in the answer section of the forms (page 2) then provides that the form was mailed to everyone listed in items 1 and 2 (in the request section). The second page of the form also includes space for the clerk to indicate that a Certificate of Mailing is attached or that the form was mailed to all of the parties at the addresses listed in item 2.

to focus on their substantive content and will increase the likelihood that this content will fit on a single page. The separate proof of mailing attachments will also make it easier to determine when and to whom the forms were mailed and will promote mailings by a person who is not a party to the action.

Form numbering

There are currently 18 Judicial Council small claims forms with numbers between SC-100 and SC-114, some of which are distinguished by alphabetic suffixes, and almost all of the numbers in that range have been used. This makes it difficult to place new forms—including those that result from creating separate forms for requests, responses, and court orders—in a logical sequence. Using alphabetic suffixes to organize forms may cause confusion because the suffix “A” is commonly used on other forms to designate those that are attachments to another form and the suffix “C” is used to designate forms that are in Chinese.

A tentative long-term plan for numbering small claims forms is therefore being considered. The tentative plan, which is attached at page 10, is intended to logically number and organize all small claims forms so that they are more easily accessible to court users.⁵ It is contemplated that new and existing forms will be numbered according to this plan as they are adopted and revised, and any such proposals will be circulated for public comment.

The committee invites comments concerning the tentative numbering plan, including comments concerning whether existing forms should be renumbered and other possible ways of organizing existing and new forms in a manner that that will make them more easily accessible to small claims court users. The committee also invites suggestions concerning any small claims forms that would be helpful but are not included in the attached numbering plan.

⁵ Under the tentative numbering plan, to the extent feasible:

- Forms would be numbered in the order in which they are most likely to be used, and postjudgment form numbers would begin with SC-200;
- Requests for court orders would end in 0, responses would end in 1, and court orders would end in 2;
- Forms that are intended to be used as attachments to another form and cannot be filed as a standalone form would have the suffix “A”; and
- Each form would be assigned a unique Arabic number, except that forms that provide information but are not filed with the court would share the number of the first form in the group to which the information pertains, followed by the suffix “INFO.”

Summaries of the Proposed Forms

Establishing service by mail

The Judicial Council has approved plain language forms *Proof of Service* (form SC-104) and *Proof of Mailing (Substituted Service)* (form SC-104A) 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 allows or requires the parties and the court clerk to serve certain other papers by mail.⁶ There are currently no approved 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 box items 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

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). However, neither of these forms is 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. The new forms would substitute “trial” for “hearing” in their titles and throughout their text. This terminology would be consistent with that of other plain language small claims forms and would be more familiar to small claims litigants.

⁶ Rule 3.2107 of the California Rules of Court (1) requires the party filing a written request for a court order before the 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 answer or response is to be served.

Form SC-150 would prompt the party requesting a postponement to provide information concerning the status, date, and county of service of the claim, which is necessary to determine whether granting the postponement is mandatory under Code of Civil Procedure section 116.570(b) and whether a fee for requesting the postponement is due under section 116.570(d).

New optional items would be added to form SC-152 to allow the court to indicate that the request was denied because it did not include good cause for the postponement and to direct that the clerk serve the order by mail.

Notice of entry and acknowledgment of satisfaction of judgment

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. Form SC-130 is a multiuse form in that it also includes a section for the judgment creditor to acknowledge satisfaction of the judgment. Neither of these forms is in the plain language format.

The advisory committee proposes 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), and *Acknowledgment of Satisfaction of Judgment* (form SC-290). Each of these proposed forms is in the plain language format.

Form SC-200 would make a number of other significant changes to the current notice of entry of judgment form, including the following:

- A relatively short notice would be added at the top of the first page to alert the parties to the nature and consequences of the document.
- Parallel sections (items 3 and 4) would be provided for the court to separately state the decision on the plaintiff's claim and on the defendant's claim, so that the parties can more readily see and understand how their respective claims were decided. Item 6 would be added to reflect the total amount due after offsetting these judgments.
- Provisions concerning payment of the judgment over time would parallel those in proposed forms SC-220, SC-221, and SC-222, regarding requests to pay judgments over time (discussed below).
- The finding concerning the basis for suspension of a driver's license (item 8) would be revised to reflect that, under Code of Civil Procedure section 116.870, a judgment debtor's driver's license can

be suspended as a result of an accident caused by another person for whose conduct the debtor is liable.

- Item 9 would be added to allow the court to include a finding that the defendant's rights under the Servicemember's Civil Relief Act were not prejudiced.
- The "Information after Judgment" on page two of current form SC-130 would be significantly revised and expanded and included in the new, separate form SC-200-INFO. Revisions would include highlighting deadlines that begin to run from the date of entry of judgment and explaining that the debtor may ask to make payments over time. The revised information sheet would also be reformatted using larger fonts and expanded to two pages to increase readability.

The Spanish translation at the top of current form SC-130 has not been incorporated into the proposed new form SC-200 because the advisory committee has been informed that this particular translated text is unlikely to be meaningful to Spanish-speaking parties who are not trained in the American legal system. However, the committee recognizes the vital importance of making small claims forms understandable to litigants with limited English proficiency and requests comments and suggestions concerning the most effective way to accomplish this.

Paying judgments in installments over time

Request to Pay Judgment in Installments (form SC-106), was approved by the Judicial Council in 1991. It exemplifies the multiuse forms described above, including 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.

The advisory committee proposes revoking form SC-106 and approving four optional forms in its place: *Request to Make Payments Over Time* (form SC-220), *Information and Instructions About Payments Over Time* (form SC-220-INFO), *Response to Request to Make Payments Over Time* (form SC-221), and *Order on Request to Make Payments Over Time* (form SC-222). The request, response, and order would contain parallel provisions concerning the terms of payment so that the court could readily consider and rule on the parties' proposed payment plans. The form for the order would allow the court to deny or grant the request without a hearing or to schedule a hearing on the request. Guidance on use of the forms would be provided on form SC-220-INFO.

The proofs of mailing that are included in form SC-106 would not be included in the new forms. The parties and the court clerk could instead use proposed forms SC-112A and SC-113A (*Proof of Service by Mail* and *Clerk's Certificate of Mailing*) for this purpose.

Attachments

Tentative Long-Term Numbering Plan for Small Claims Forms

Explanation: Forms that would be revised, adopted, approved, or renumbered as part of the current proposal are shown in bold and have an asterisk after the proposed number. The revision, adoption, approval, or renumbering of the other forms may be proposed in the future.

Prejudgment Forms

Proposed Number	Current Number	Title
SC-100	<u>SC-100</u>	Plaintiff's Claim and ORDER to Go to Small Claims Court
SC-100-INFO	<u>SC-150</u>	Information for the Small Claims Plaintiff
SC-101A	<u>SC-100A</u>	Other Plaintiffs or Defendants
SC-102A	<u>SC-101</u>	Attorney Fee Dispute (After Arbitration) (Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court)
SC-103A	<u>SC-103</u>	Fictitious Business Name
SC-110	<u>SC-104</u>	Proof of Service
SC-111A	<u>SC-104A</u>	Proof of Mailing (Substituted Service)
SC-112A*	Proposed New	Proof of Service by Mail
SC-113A*	Proposed New	Clerk's Certificate of Mailing
SC-115-INFO	<u>SC-104B</u>	What Is "Proof of Service"?
SC-116-INFO	<u>SC-104C</u>	How to Serve a Business or Public Entity
SC-120	<u>SC-120</u>	Defendant's Claim and ORDER to Go to Small Claims Court
SC-121A	<u>SC-120A</u>	Other Plaintiffs or Defendants
SC-130	<u>SC-114</u>	Request to Amend Claim Before Hearing To be revised and renamed: Request to Correct a Name
SC-132		RESERVED FOR Order on Request to Correct a Name
SC-140	<u>SC-107</u>	Small Claims Subpoena for Personal Appearance and Production of Documents at Trial or Hearing and Declaration
SC-145	<u>SC-109</u>	Authorization to Appear on Behalf of Party
SC-150*	<u>SC-110</u>	Request to Postpone Trial (formerly titled Request to Postpone Small Claims Hearing)
SC-151		RESERVED FOR: Response to Request to Postpone Small Claims Hearing
SC-152*	<u>SC-111</u>	Order on Request to Postpone Trial (formerly titled Order on Request to Postpone Small Claims Hearings)
SC-160	<u>SC-105</u>	Request for Court Order and Answer
SC-161		RESERVED FOR: Response to Request for Court Order
SC-162	<u>SC-105A</u>	Order on Request for Court Order

Postjudgment Forms

Proposed Number	Current Number	Title
SC-200*	<u>SC-130</u>	Notice of Entry of Judgment
SC-200-INFO*	Proposed New	Information and Instructions After Entry of Judgment
SC-201A		RESERVED FOR: Decision on Additional Parties' Claims
SC-202A*	<u>SC-132</u>	Decision on Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)
SC-210	<u>SC-133</u>	Judgment Debtor's Statement of Assets
SC-211	<u>SC-134</u>	Application and Order to Produce Statement of Assets and to Appear for Examination
SC-220*	<u>SC-106</u>	Request to Make Payments Over Time (formerly titled Request to Pay Judgment in Installments)
SC-220-INFO*	Proposed New	Information and Instructions About Payments Over Time
SC-221*	Proposed New	Response to Request to Make Payments Over Time
SC-222*	Proposed New	Order on Request to Make Payments Over Time
SC-230	<u>SC-145</u>	Request to Pay Judgment to Court
SC-232		RESERVED FOR: Computation of Amount of Judgment Paid to the Court
SC-233		RESERVED FOR: Satisfaction of Judgment Paid to the Court
SC-240	<u>SC-108</u>	Request to Correct or Cancel Judgment and Answer (CCP § 116.725)
SC-241		RESERVED FOR: Response to Request to Correct or Cancel Judgment (CCP § 116.725)
SC-242	<u>SC-108A</u>	Order on Request to Correct or Cancel (CCP § 116.725)
SC-250	<u>SC-135</u>	Notice of Motion to Vacate Judgment and Declaration (CCP §§ 116.720, 116.730 and 116.740)
SC-251		RESERVED FOR: Response to Motion to Vacate Judgment and Declaration (CCP §§ 116.720, 116.730 and 116.740)
SC-252		RESERVED FOR: Order on Motion to Vacate Judgment and Declaration (CCP §§ 116.720, 116.730 and 116.740)
SC-260	<u>SC-140</u>	Notice of Appeal
SC-290*	Proposed New	Acknowledgment of Satisfaction of Judgment

SC-112A

Proof of Service by Mail

Case Number:

This form is attached to the form or document listed in 2

Proof of Service by Mail (Declaration of Server)

(See information and instructions on reverse side.)

1 Information about the server (person doing mailing)

I am over 18 years of age, live or work in the county where the mailing took place, and am not a party to this small claims case. My name, address, and telephone number are:

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

2 Form or document served

I served by mail the form or document checked or described below:

- 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 Over Time
Other form or document (specify)

Check here if you need more space. Attach a page titled "SC-112A, Additional Documents Served."

3 Information about the mailing

On (date): _____ I placed copies of the form or document listed above in a sealed envelope, with postage paid, and mailed it from (city and state) _____ to:

- The plaintiffs and defendants listed on the attached sheet, at the addresses shown there. (Attach a page titled "SC-112A, Plaintiffs and Defendants Served.")
The following plaintiffs and defendants, at the addresses shown:

Name: _____ Name: _____
Address: _____ Address: _____
City, State, Zip Code _____ City, State, Zip Code _____

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's signature

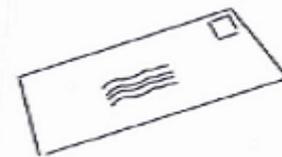
Information Sheet for *Proof of Service by Mail*

(This information sheet is not part of the proof of service and does not need to be copied, served, or filed.)

When to Use This Form

This form may be used to prove that these forms 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 Over Time*
- Other forms and documents that are allowed to be served by mail



This form may NOT be used to prove service of these forms, which must be served personally:

- 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 Forms SC-100 and SC-120, see Form SC-104, *Proof of Service*, and Form SC-104B, *What Is Proof of Service*.

Who May Be the Server (do the mailing)

The server must:

- Not be a party (plaintiff or defendant) in the case.
- Be over 18 years of age.
- Live or work in the county where the mailing is taking place.

How to Serve by Mail

1. **Give the server** (person who will do the mailing):
 - A copy of this form.
 - One copy of the forms and documents to be served for each plaintiff and defendant in the case.
 - The name and address of each plaintiff and defendant in the case.
2. **Have the server:**
 - Complete the Declaration of Server (on the other side of this page).
 - Mail an unsigned copy of the declaration and all of the forms that are being served to each plaintiff and defendant, as described in the declaration.
 - Sign a declaration for each form or document served, and give it to you.
3. **Attach the signed Declaration of Server to each original form or document that was served and file it with the small claims court clerk.**



Need help?

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

[space for local info here]

Or go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.

SC-113A

Clerk's Certificate of Mailing

Case Number:

This form is attached to the form or document listed in 2

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 described below:

- Form SC-105, Request for Court Order and Answer
- Form SC-105A, Order on Request for Court Order
- Form SC-108, Request to Correct or Cancel Judgment and Answer
- Form SC-108A, Order on Request to Correct or Cancel Judgment
- Form SC-114, Request to Amend Claim Before Hearing
- Form SC-135, Notice of Motion to Vacate Judgment and Declaration
- Form SC-140, Notice of Appeal
- Form SC-152, Order on Request to Postpone Trial
- 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
- Form SC-220, Request to Make Payments Over Time, Form SC-220-INFO, Information and Instructions About Payments Over Time, and a blank Form SC-221, Response to Request to Make Payments Over Time
- Form SC-221, Response to Request to Make Payments Over Time
- Form SC-222, Order on Request to Make Payments Over Time
- The documents listed on the attached page
- The following document (specify):

3 True copies of the document were mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as shown below. The mailing and this certification occurred at (city) _____, California, on (date) _____.

- The parties and addresses listed on the attached page.
- The following parties and addresses:

┌	┐	┌	┐
└	┘	└	┘
┌	┐	┌	┐
└	┘	└	┘

Date: _____ Clerk, by _____, Deputy

(See information and instructions on reverse side.)

Clerk stamps below when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

DRAFT 04-02-09

1 I am asking the court to postpone the trial.

Name: _____

Mailing Address: _____

Phone: _____

Check one: Plaintiff Defendant in this case

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

3 I am requesting a new date of (date): _____

4 I want to postpone the trial because (give specific reasons why you are asking for the postponement.):

Check here if there is not enough space below, and write "SC-150, item 4" and your complete answer on a separate page.

Fill in court name and street address:

Superior Court of California, County of

Fill in your case number and case name below.

Case Number:

Case Name:

5 I am making this request less than 10 days before my scheduled trial date because (give specific reasons why you did not make the request sooner):

Check here if there is not enough space below, and write "SC-150, item 5" and your complete answer on a separate page.

6 I have/have not served my claim as follows (check and complete all that apply):

I have not filed a claim in this case.

My claim has been served on the following defendants:

<u>name of defendant</u>	<u>date of service</u>	<u>county of service</u>
_____	_____	_____
_____	_____	_____

My claim has not been served on the following defendants (names):

I do not know whether my claim has been served on the following defendants (names):

Check here if there is not enough space above and write "SC-150, item 6" and the information about service of the claim on other defendants on a separate page.

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

Date: _____
Type or print your name

Sign your name

Information Sheet for *Request to Postpone Trial*

(This information sheet is not part of the request and does not need to be copied, served, or filed.)

When to use this form

- If you have filed a small claims case, and want to postpone or reschedule the hearing for any good reason, including because you have not yet served all of the defendants.
- If a small claims case has been filed against you, and you want to postpone or reschedule the hearing for any good reason.
- You may write a letter explaining why you want to change your court date instead of using Form SC-150, but it should include the same information as Form SC-150.

To ask the court to postpone your trial

- Fill out Form SC-150, *Request to Postpone Trial*.
- Mail or personally deliver a copy of the *Request* to all of the other plaintiffs and defendants in the case. Follow the instructions on Form SC-104, *Proof of Service*, or Form SC-112A, *Proof of Service by Mail*.
- File this *Request* and the *Proof of Service* with the small claims court clerk. A \$10 filing fee may be required, depending on whether and when the claim was served.

The court will:

- Consider the *Request*, decide whether to postpone the trial, and notify the party making the request of the decision.
- If the court approves the *Request*, it will mail all plaintiffs and defendants a notice of the new trial date.
- If the court does not approve the *Request*, the trial will be on the date when it is currently scheduled.



Need help?

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

[space for local info here]

Or, go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.

SC-152

Order on Request to Postpone Trial

Clerk stamps below when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

DRAFT 04-02-09

The court makes the following orders on the *Request to Postpone Trial* filed by (name): _____
on (date) _____ :

Superior Court of California, County of

Case Number:

Case Name:

- ① The *Request* is approved.
 - ② The *Request* 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. A \$10 filing fee is required and was not paid.
 - d. Other: _____

- Continued on Attachment SC-153, item 2(d).

③ All plaintiffs and defendants must go to court as follows:

Order to Go to Court

Trial Date	Date	Time	Dept.	Name and address of court if different from above
→	_____	_____	_____	_____ _____ _____

- ④ The clerk will mail a copy of this order to:
 - a. The person who requested 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:

[space for local info here]

Or find information for your county court at www.courtinfo.ca.gov/selfhelp/smallclaims.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). *Civil Code* § 54.8

Clerk stamps below when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

DRAFT 04.02.09

IMPORTANT NOTICE TO ALL PLAINTIFFS AND DEFENDANTS

This form:

- Tells you the judgment (decision) in your small claims case.
- Begins the time for you to act in response to the judgment.
- Gives you important information about your rights and responsibilities.

WARNINGS TO THE PARTY WHO LOST

- If the court decided that you owe money, your wages, money, or property may be taken.
- Postjudgment interest may be added for each day that the judgment remains unpaid.
- If the judgment relates to an automobile accident on a California highway, the Department of Motor Vehicles may suspend your driver's license.

**Read this entire notice and Form SC-200-INFO,
Information and Instructions after Entry of Judgment,
right away for other important information**

Superior Court of California, County of

[Empty box for court name]

Case Number:

Case Name:

[Empty box for case details]

- 1 The judgment (decision) in this small claims case was entered on (date) _____.
- 2 Enforcement of the judgment is postponed for 30 days or, if an appeal or a motion to vacate (cancel) the judgment is filed, until the appeal or motion is decided.

3 Claim of Plaintiff

The judgment on the claim of plaintiff (name, if more than one): _____
against defendant (name, if more than one): _____ is:

- The defendant (name) _____ does not owe the plaintiff any money on this claim.
- The defendant (name) _____ owes the plaintiff (name) _____ \$ _____ principal and \$ _____ costs (such as court fees), for a total of \$ _____.
- More than one person owes money on this claim. The liability of each is:
 - Joint and several (The creditor may collect the entire judgment from any debtor.)
 - Other (specify) _____

- The defendant (name) _____ must give the plaintiff (name) _____ the following property by (date): _____ (describe property): _____

Description of property is on Attachment 3d.

- The plaintiff's claim is dismissed and (check one):
 - cannot be filed again.
 - may be filed again, if filed by the legal deadline.



4 Claim of Defendant

- The judgment on the claim of defendant (*name, if more than one*): _____ against plaintiff (*name, if more than one*): _____ is:
 - a. The plaintiff (*name*) _____ does not owe any money on this claim.
 - b. The plaintiff (*name*) _____ owes the defendant (*name*) _____ \$ _____ principal and \$ _____ costs (such as court fees), for a total of \$ _____.
 - c. More than one person owes money on this claim. The liability of each is:
 - Joint and several (The creditor may collect the entire judgment from any debtor.)
 - Other (*specify*) _____
 - d. The plaintiff (*name*) _____ must give the defendant (*name*) _____ the following property by (*date*): _____ (*describe property*): _____

 Description of property is on Attachment 4d.
 - e. The defendant's claim is dismissed and (*check one*):
 - cannot be filed again.
 - may be filed again, if filed by the legal deadline.

Other Orders

- Decisions on other claims or parties are stated in Attachment 5.
 - After offsetting the judgments on the claims (*name*) _____ owes (*name*) _____ \$ _____.
 - (*Name*) _____ may pay the judgment in payments, as follows:
 - Regular payments of \$ _____ on the _____ day of every (*month or other*) _____ starting on (*date*) _____ and a final payment of \$ _____ on (*date*) _____.
 - Other payment schedule (*specify*): _____
 - The total amount of payments is \$ _____ and includes estimated interest on the unpaid balance of the judgment. The actual amount of interest may be different if payments are made early or late.
 - The total amount of the payments is the same as the judgment. If all payments are made on time, no interest will be owed on the judgment and the judgment will have been paid in full.
- Warning: If any payment is not made on time, the person to whom the judgment is owed may file papers asking the court to order that the entire amount of the judgment is due and collectible.**
- The judgment against (*name of party*) _____ 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 drivers license application).
 - 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.
 - Form SC-202A, *Decision on Attorney-Client Fee Dispute*, is attached.
 - Other (*specify*): _____
 - Continued on Attachment 11.

Date: _____

Clerk, by _____, Deputy



SC-200-INFO Information and Instructions After Entry of Judgment**IMPORTANT INFORMATION FOR ALL PARTIES**

The small claims court case has decided your case. The court's decision (judgment) is in the *Notice of Entry of Judgment*.

The court may have ordered one party to pay money to the other party. A person (or business) who won the case and is owed money is called the judgment creditor. A person (or business) who lost the case and who owes the money is called the judgment debtor. Generally, both parties may be represented by lawyers after judgment.

Some very important deadlines and limitations run out 30 days after the court clerk handed out or mailed the *Notice of Entry of Judgment*. (The date when the notice was mailed is on the *Clerk's Certificate of Mailing* that came with the notice.)

- A party who was properly served with the claim and wants to file an appeal or ask the court to vacate (cancel) or correct the judgment must file papers within this 30-day period.
- A party who was ordered to pay money to another party must normally complete Form SC-133, *Judgment Debtor's Statement of Assets*, within this time, unless the judgment has been paid or a notice of appeal or a request to vacate the judgment has been filed.
- The judgment creditor cannot normally take any action to collect any money until 30 days after the *Notice of Entry of Judgment* was handed out or mailed by the clerk. If a notice of appeal is properly filed, the small claims court judgment will not be enforceable.

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 wages, money, and property may be taken to pay the claim. Interest at the rate of 10 percent per year may 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 may suspend your driver's license until the judgment is paid. To prevent this, you may 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, for an additional fee, you may pay the judgment to the court. (See Form SC-145, *Request to Pay Judgment to Court*.) You may 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 may 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.

b. APPEAL

If you went to the small claims trial and disagree with the court's decision on the other party's claim, you may 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 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 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 may be represented by a lawyer.

c. MOVE TO VACATE (CANCEL) THE JUDGMENT

If you did not go to the trial, you may 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 then 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.

IF YOU WON THE CASE

1. If you were sued by the other party and you won the case, the other party may not appeal the court's decision.
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 may take to collect your money or get possession of your property follow. 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.

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, you may file Form MC-010, *Memorandum of Costs (Summary)*.

b. VOLUNTARY PAYMENT

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 payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

c. STATEMENT OF ASSETS

If the judgment debtor does not pay the money, the law requires the debtor to fill out Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed Form SC-133, you may file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can ask the court to award you your attorney fees, expenses, and other appropriate relief.

d. ORDER OF EXAMINATION AND SUBPOENA OF FINANCIAL RECORDS

You may also have the debtor come to court to answer questions about income and property. To do this, fill out and file 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.

e. WRIT OF EXECUTION

Once you know about the judgment debtor's property, you may ask the court clerk to issue a paper that tells a law officer (sheriff or marshal) to take the debtor's property to pay your claim. (See Form EJ-130, *Writ of Execution*.) 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.

f. ABSTRACT OF JUDGMENT

You can put a lien on a house or other real property that the judgment debtor owns. To do this, have the court clerk issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Take or mail the *Abstract of Judgment* to the county recorder's office in the county where you believe 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. You will need to pay fees to the court clerk for issuing the *Abstract of Judgment* and to the county recorder for recording it.

g. AFTER YOU HAVE BEEN PAID

As soon as you have 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. If you do not file the acknowledgment, you may have to pay money to the judgment debtor.



Need help?

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

[space for local info here]

Or go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.

SC-202A

Decision on Attorney-Client Fee Dispute

Case Number:

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

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 grants a trial after the arbitration:
a. The trial was held on (date):
b. The trial will be held at this time and place:

Table with columns: Trial Date, Date, Time, Dept., Name and address of court if different from above

- 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:
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. Attorney Client must pay the other party disputed fees and costs of: \$
b. Attorney Client must pay the other party costs of this hearing of: \$
c. Neither party has to pay the other party anything.

(See Form SC-220-INFO, *Information and Instructions About Payments Over Time.*)

Clerk stamps below when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL

DRAFT 04.02.09

Fill in court name and street address:

Superior Court of California, County of

[Empty box for court name and street address]

Fill in your case number and case name below.

Case Number:

Case Name:

1 I am asking for permission to make payments over time.

Name: _____

Mailing Address: _____

Phone: _____

2 On (date) _____ the court entered a judgment that I owe a total of \$ _____ to this judgment creditor (the person to whom money is owed):

Name: _____

Mailing Address: _____

Phone: _____

3 I request the court to allow me to pay the judgment creditor in payments instead of all at once because (explain):

Check here if there is not enough space below, and write "SC-220, item 3" and your complete answer on a separate page.

4 I ask the court to make these orders regarding payment (check and complete all that apply):

a. That I may make payments to the judgment creditor as follows:

Regular payments of \$ _____ on the _____ day of every (month or other) _____ starting on (date) _____ and a final payment of \$ _____ on (date) _____.

Other payment schedule (explain): _____

b. The total amount of the payments is \$ _____ and includes estimated interest on the unpaid balance of the judgment. The actual amount of interest may be different if payments are made early or late. (Attach a page titled "SC-220, Item 4b" with your interest calculations.)

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

d. Other (explain) _____

WARNING: If any payment is not made on time, the person to whom the judgment is owed (the judgment creditor) may file papers asking the court to order that the entire amount of the judgment is 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 your name

SC-220-INFO Information and Instructions About Payments Over Time**If you are the judgment debtor (person ordered to pay money)
and you want to request permission to make payments over time:**

- ① Read the information on the other side of this form.
- ② Fill out a separate Form SC-220, *Request to Make Payments Over Time*, for each plaintiff or defendant (judgment creditor) to whom you want to make payments.
- ③ Fill out Form EJ-165, *Financial Statement*.
- ④ File your completed forms at the small claims court clerk's office.

The court will then:

- Mail a copy of the *Request to Make Payments Over Time*, the completed Form EJ-165, *Financial Statement*, this Information and Instructions form, and a blank Form SC-221, *Response to Request to Make Payments Over Time* to all other plaintiffs and defendants.
- Wait 10 days for any responses to be filed.
- Mail all plaintiffs and defendants a decision on the *Request* or a notice to go to a hearing.

**If you are the judgment creditor (person to whom money is owed)
and the judgment debtor has requested permission to make payments:****Read the *Request to Make Payments Over Time* and the information on the other side of this form.**

- If you agree with the request to make payments, you do not need to do anything.
- **If you do not agree with the request to make payments or you do not want to lose postjudgment interest, you must file a response with the small claims court within 10 days after the date the clerk mailed a copy of the request to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not file a response within this time, the court may allow the person who owes you money to make payments and you may lose your rights to interest on the judgment.

To file a response:

- ① Fill out Form SC-221, *Response to Request to Make Payments Over Time*.
- ② Serve your *Response* on the other plaintiffs and defendants in the case. (See Form SC-112A, *Proof of Service By Mail*, for instructions.)
- ③ File your completed forms at the small claims court clerk's office.

**The court will then mail all plaintiffs and defendants a decision on the
Request to Make Payments Over Time or a notice to go to a hearing.**

Information About Paying a Small Claims Judgment Over Time

Judgments are normally due in full

Small claims judgments are normally due in full, as soon as the judgment is entered by the court clerk. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can normally take legal action to collect the amount that has not been paid.

Paying a small claims judgment over time

A party who lost a small claims case (the judgment debtor) may 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) may not take any other action to collect the money as long as the full payments are made on time.

Information About Postjudgment Interest

Interest on judgments, in general

Normally, interest is due and collectible on judgments at the rate of 10 percent per year from the date on which the judgment is entered until it is paid in full. Interest may be charged only on the amount of the unpaid portion of the original judgment (the principal) and may not be charged on any unpaid interest. Any payment made on a judgment is applied first to any unpaid interest and then to any unpaid principal.

Interest on judgments payable over time

When the court allows payments over time, 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 for payments over time, the creditor may lose any claims for interest. However, if the debtor does not make complete payments on time, then interest on the missed payment or the entire unpaid balance might become due and collectible.

Calculating interest on a judgment payable over time

If you are proposing a regular payment schedule that includes postjudgment interest in item 4 of Form SC-220, *Request to Make Payments Over Time*, or Form SC-221, *Response to Request to Make Payments Over Time*, attach a copy of your interest calculations to the form. You may need to use an amortization calculator to determine how much each payment should be to pay off the judgment and the interest over time. You can find free calculators on the Internet by searching for “amortization calculator.” Enter the total amount of the judgment, the interest rate of 10 percent, the frequency of payments (monthly, weekly, etc.), and the number or length of payments. The calculator will compute the amount of the payment required to pay the judgment and interest over that time. Some calculators will produce an amortization table, which shows 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:

[space for local info here]

Or go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.

(See Form SC-220-INFO, *Information and Instructions About Payments Over Time.*)

Clerk stamps below when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL

DRAFT 04.02.09

Fill in court name and street address:

Superior Court of California, County of

[Empty box for court name and street address]

Fill in your case number and case name below.

Case Number:

Case Name:

1 I am a judgment creditor in this case.

Name: _____

Mailing Address: _____

Phone: _____

2 The judgment debtor who filed the *Request to Make Payments Over Time* that I am responding to is:

Name: _____

3 I am willing to accept payments as proposed in the request.

4 I am willing to accept payments as follows (*check and complete all that apply*):

a. Regular payments of \$ _____ on the _____ day of every (*month or other*) _____ starting on (*date*) _____ and a final payment of \$ _____ on (*date*) _____.

Other payment schedule (*explain*): _____

b. The total amount of the payments is \$ _____ and includes estimated interest on the unpaid balance of the judgment. The actual amount of interest may be different if payments are made early or late. (*Attach a page titled "SC-221, Item 4b" with your interest calculations.*)

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

d. Other (*explain*) _____

WARNING: If any payment is not made on time, the person to whom the judgment is owed (the judgment creditor) may file papers asking the court to order that the entire amount of the judgment is due and collectible.

5 I am not willing to accept payments over time because (*explain*):

Check here if there is not enough space below, and write "SC-221, item 5" and your complete answer on a separate page.

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

Date: _____

Type or print your name



Sign your name

Clerk stamps below when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL

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The court makes the following orders on the *Request to Make Payments Over Time* filed by (judgment debtor): _____

- ① **The court denies the Request.** The entire amount of the judgment against the person who filed the *Request* is due now.
- ② **The court grants the Request** and makes the following orders regarding payment of the judgment:
 - a. The judgment debtor may make payments on the judgment as follows:
 - Regular payments of \$ _____ on the _____ day of every (*month or other*) _____ starting on (*date*) _____ and a final payment of \$ _____ on (*date*) _____.
 - Other payment schedule (*specify*): _____
 - b. The total amount of the payments is \$ _____ and includes estimated interest on the unpaid balance of the judgment. The actual amount of interest may be different if payments are made early or late.
 - c. The total amount of the payments is the same as the judgment. If all payments are made on time, no interest will be owed on the judgment and the judgment will have been paid in full.

Superior Court of California, County of

Case Number:

Case Name:

WARNING: If any payment is not made on time, the person to whom the judgment is owed (the judgment creditor) may file papers asking the court to order that the entire amount of the judgment is due and collectible.

- ③ A hearing on this request is scheduled as follows:

Hearing Date	Date	Time	Dept.	Name and address of court if different from above
→	_____	_____	_____	_____
	_____	_____	_____	_____

- ④ **Other orders** (*specify*) _____

Continued on Attachment 4.

Date: _____

Judicial Officer



Need help?

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

[space for local info here]

Or, go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time-captioning or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). *Civil Code § 54.8*

This is a Court Order.

Clerk stamps below when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

DRAFT 04.02.09

(See information and instructions on reverse.)

To the court clerk:

1 I acknowledge satisfaction of the judgment in this case.

Name: _____
Mailing Address: _____

Phone: _____

2 I am the (check one):

- a. Judgment creditor.
- b. Assignee of record.

3 The judgment has been paid or otherwise satisfied (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*):

Name: _____
Mailing Address: _____

Superior Court of California, County of

Empty rectangular box for stamp or signature.

Case Number:

Case Name:

Empty rectangular box for Case Number and Case Name.

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

Date: _____

(Type or print your name)

(Signature of judgment creditor or assignee)

Information and Instructions for *Acknowledgment of Satisfaction of Judgment*

(This information sheet is not part of the Acknowledgement of Satisfaction of Judgment and does not need to be copied, served, or filed.)

When to use this form

- If the small claims court has made a judgment (decision) that a judgment debtor (another plaintiff or defendant) owes money to you or someone else who assigned their rights to you, and
- The judgment debtor has paid the judgment in full 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, *Acknowledgment of Satisfaction of Judgment*, instead of this form if:

- The judgment debtor has not fully paid this judgment, or
- Form EJ-001, *Abstract of Judgment*, has been recorded.

A judgment creditor is required to acknowledge the satisfaction of a judgment

- If you are the judgment creditor or an assignee (a person to whom the judgment has been assigned), you must file an *Acknowledgment of Satisfaction of Judgment* with the small claims court clerk immediately after you receive full payment of the judgment.
- If you do not file this acknowledgment within 14 days after a request from the judgment debtor, you may have to pay money to the judgment debtor.



Need help?

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

[space for local info here]

Or go to county-specific court information at www.courtinfo.ca.gov/selfhelp/smallclaims.

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): _____ until the judgment is fully paid.
 - b. Pay \$ _____ or more on (specify): _____ of every (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): <hr/> 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

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>
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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.

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.

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*.

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
 - (i) disputed fees and costs of: \$
 - (ii) 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.-

Item SPR09-18 Response Form

Title: **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; and revoke forms SC-106, SC-110, SC-111, SC-130, and SC-132)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.