

# **Guide to Small Claims Court**

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Learn how Small Claims Court works and how you can sue a person or business for up to \$10,000. (Forms and instructions)

## **1. Fast facts**

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### **What is Small Claims Court?**

Small Claims Court is a department of the District Court in each county in Washington.

Small Claims Court can be a quick, cheap way to resolve disputes over money that you have with a person or business. Many Small Claims Court trials take 30 minutes or less.

You can sue for up to **\$10,000** in Small Claims Court.

Except in rare cases, neither side can have a lawyer in Small Claims Court. There are also no juries, and the cases are decided by a judge or

commissioner.

Small Claims Court procedures and filing fees vary by county. You can contact the court clerk to ask if they have information about how to go to Small Court Clerk, either in print or in a video.

If you need an interpreter or accommodation for a disability, try to contact the court as soon as possible to ask for help attending the hearing.

## Who can I sue in Small Claims Court?

**You can sue another person or business in Washington** who owes you money.

Under ( )RCW 3.66.100  
(<https://app.leg.wa.gov/RCW/default.aspx?cite=3.66.100>) and 3.66.040(6  
(<https://app.leg.wa.gov/RCW/default.aspx?cite=3.66.040>)), you can sue a person or business who owes you money, even if they live in a different state.

Generally, people and businesses (like property managers and repair shops) can't have lawyers represent them in Small Claims Court. In rare cases, judges may grant exceptions.

Businesses sometimes try to get the case moved to a different court so their lawyers can represent them. If the business plans to do this, you should get notice of a hearing. At the hearing, you can tell the judge it would be unfair to move the case because you don't have a lawyer.

In some cases, you can sue a **city or county** that owes you money, but you must first file an “**Administrative Claim**” through the city or county itself. After filing the claim, if you’re denied, you may be able to sue in Small Claims Court. You probably must show the court clerk that you filed the Administrative Claim and were denied.

**You can’t sue Washington State** (the state government) in Small Claims Court.

## **What kinds of cases happen in Small Claims Court?**

Small Claims Court is only for cases about money, and for individuals with claims for \$10,000 or less. For disputes over \$10,000, you can’t sue in Small Claims Court.

Businesses and corporations can also sue individuals in Small Claims Court, but only up to \$5,000.

You also can’t use Small Claims Court to make someone do something, like perform a service or return property to you. Examples:

- You can’t sue in Small Claims Court for the return of a car. You may sue for the money value of the car, if it’s under \$10,000.
- You can’t sue in Small Claims Court to get rehired if you’re laid off. You may sue for unpaid wages under \$10,000.
- You can’t sue in Small Claims Court to make your landlord repair your stove. You may sue for money if you’ve been paying full rent for an apartment with a working stove, but you’ve only received the value of an apartment without one.

- Many tenants sue their former landlord in Small Claims Court for the return of a damage or security deposit.

## How much does it cost to sue in Small Claims Court?

When you file your Notice of Small Claim, the clerk will ask you to pay a filing fee, usually \$35 or \$50. If you can't afford to pay the filing fee, you can ask the clerk for a fee waiver.

You may also have to pay to serve or mail the Notice to the other party.

You can add these court costs to the amount you ask for in your Notice of Small Claim. If you win your case, the other party may have to pay you back for these fees and costs.

## What other kinds of costs can I include in my claim?

You can sue for costs that directly resulted from the other party's actions. You may also sue for costs that wouldn't have occurred if the other party had acted differently.

Example: If someone borrows your car and damages it, you may sue for the cost to repair the car, plus you may sue for the cost of a car you had to rent while your car was getting repaired.

## 2. Deadline to sue

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Generally, you should file as soon as you can after you discover that the other party owes you money. It can be harder to find and present fresh evidence such as witness testimony the more time passes.

You have 2 years (<https://app.leg.wa.gov/RCW/default.aspx?cite=4.16.100>) to sue after the other party did something that cost you money involving libel, slander, assault, or battery. You can read this 2-year “statute of limitations” at RCW 4.16.100. (<https://app.leg.wa.gov/RCW/default.aspx?cite=4.16.100>)

You have 3 years (<https://app.leg.wa.gov/RCW/default.aspx?cite=4.16.080>) to sue after the other party did something that cost you money involving damaging personal property (like a car), fraud, trespassing, waste (damage to real estate), or when you have a verbal (non-written) agreement with someone to do something (like pay you back).

If the other party broke a written agreement with you and cost you money, you have 6 years (<https://app.leg.wa.gov/RCW/default.aspx?cite=4.16.040>) to file a claim.

### 3. Settle

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Some courts may require you to take part in a settlement conference or mediation before going to trial.

Many people might prefer to try to settle a dispute by agreement instead going to a Small Claims Court trial. Going to court can be stressful. A

settlement may save you time, money, and stress.

Also, when you sue someone in Small Claims Court, they may bring a counterclaim against you and claim that you owe them money. For example, this often happens when tenants sue their former landlords for the return of a deposit. The landlord may claim you damaged the place and owe them money instead.

Even if you win and the judge signs a judgment stating that the other party owes you money, it can be hard to collect the money.

You may be able to contact the person and work out an agreement over the phone, but often this doesn't work at first.

You may offer to go to mediation with the other party, where a neutral third party can help you both come to an agreement. Resolution Washington (<https://www.resolutionwa.org/locations>) has a list of Dispute Resolution Centers (<https://www.resolutionwa.org/locations>) you may contact to find out about mediation options in your county.

If informal negotiation doesn't work, and the other person refuses to go to mediation, you can send a written demand letter. Your demand letter can simply state the facts of what happened (with dates and times), why what happened cost you money, and state how much the person owes you. A demand letter also states that you plan to sue in Small Claims Court if the person doesn't pay you money.

A good demand letter can show the person you're serious and sometimes cause the person to reconsider and settle with you out of court. It may also help if you must sue in Small Claims Court. It shows the judge that you tried to

reach an agreement before suing.

## 4. Court location

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Some larger counties (like King) have more than one Small Claims Court location.

**If you're suing a business** (like a property manager or repair shop), you may sue in the District Court of the county ([https://www.courts.wa.gov/court\\_dir/](https://www.courts.wa.gov/court_dir/)) where the business is located. You might have to sue in the District Court where the business's headquarters or main office is located, even if the business has multiple locations.

**If you're suing a person** and know where they live, you can sue in the Small Claims division of the District Court in the county ([https://www.courts.wa.gov/court\\_dir/](https://www.courts.wa.gov/court_dir/)) where they live. If you've tried and can't find the person's home address, you may try suing in the District where they work ([https://www.courts.wa.gov/court\\_dir/](https://www.courts.wa.gov/court_dir/)), using their work address. RCW 3.66.040(1) (<https://app.leg.wa.gov/RCW/default.aspx?cite=3.66.040>).

If you're suing for money you lost in an auto accident or after receiving a bad check, you may sue in the District Court in the county ([https://www.courts.wa.gov/court\\_dir/](https://www.courts.wa.gov/court_dir/)) where the auto accident (RCW 3.66.040(4) (<https://app.leg.wa.gov/RCW/default.aspx?cite=3.66.040>)) or bad check incident (RCW 3.66.040(7) (<https://app.leg.wa.gov/RCW/default.aspx?cite=3.66.040>)) happened.

## 5. Step-by-step

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Follow these steps to sue someone in Small Claims Court.

1. Contact the Small Claims Court clerk's office. Ask if they have special forms you must use to file a Small Claim action. If so, use those instead of ours. Ask the clerk when you can schedule a trial on your claim.
2. Fill out the forms (except for the Proof of Service).
3. Make copies. You'll generally need a set of copies of your completed paperwork for your own records, and one set for each other party to your case.
4. File the originals with the court clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of your proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

5. Pay the filing fee or ask the clerk for a fee waiver.

6. Have the other party served. In Small Claims Court, you can have the other party personally served or served by mail.
7. Have the server fill out the Certificate of Service.
8. Review any counterclaim the other party has filed. The other party must give you a copy.
9. **Go to your trial.** Read about how to get ready.
10. **Tell the judge's clerk you want a copy of the order.** Follow the clerk's instructions about getting copies.
11. **If you disagree with the judge's decision, try to talk to a lawyer right away.**

## 6. Form: Notice of Small Claim

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Form attached:

**Notice of Small Claim** (MISC 05.0100)

Court clerks won't fill out the form for you, give you legal advice, or predict how the judge might rule.

## Tips for filling out the Notice of Small Claim form

If your court has its own forms, use theirs, not ours. Use the forms here only if you asked the court clerk first.

You should list the other party's street address, and not just a post office box number. Put their phone number if you know it.

You can sue more than one person and put the name and address of each.

- If you're suing a married couple, list both spouses' names.
- If you're suing over an auto accident, list the name of the driver and vehicle's registered owner.
- If you're suing a business, list the name of the business, its owner, and any employee involved.
- If you're suing a business or corporation, you must list its correct name, address, and registered agent. A registered agent is the person you must notify of the lawsuit. Use Washington's Secretary of State Corporation Search

([https://ccfs.sos.wa.gov/?\\_gl=1\\*1xo1m0o\\*\\_ga\\*NDEwMTM5NDM0LjE2NzI5NTg5ODk.\\*\\_ga\\_](https://ccfs.sos.wa.gov/?_gl=1*1xo1m0o*_ga*NDEwMTM5NDM0LjE2NzI5NTg5ODk.*_ga_)) tool to find this information.

The Notice of Small Claims form should have a "Statement of Claim" section. This is where you state the amount of money that the other party owes you.

The form may ask you to check a box next to some common reasons for small claims lawsuits, including auto damage, wages, loan, return of deposit, property damage, or other.

The form may ask you to explain the reason for your claim. Put the facts of what happened and why the other party owes you money. Try to simply state

who did what, when they did it (or if they didn't do it), and how those actions (or failure to act) cost you money.

## 7. Serve other party

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Form attached:

**Certificate of Service (Small Claims Court)** (MISC 05.0200)

You must notify the other party that you've filed a Small Claim form by serving them properly. You must also be able to prove you had the other party served. Ask the court clerk if your small claims court has its own form for this. If it doesn't, use the Certificate of Service here.

- If you're **personally serving** the other party, the Notice of Small Claim must reach the other party at least **10 days** before the trial date.
- If you're **mailing it** to the other party, mail it at least **13 days** before the trial date. Ask the Post Office for tracking or delivery confirmation.

After delivery of the Notice of Small Claim, you must file the signed Certificate of Service with the court clerk to prove you served the other party on time.

**If you're mailing the other party the Notice of Small Claim form**, ask at the post office counter to send it by Registered or Certified Mail, Return Receipt Requested. This means the other party must sign a receipt when they get the form in the mail and mail the receipt back to you.

When you get the Return Receipt with the other party's signature (or signature of someone living with them, or a registered or managing agent), make a copy. Keep the original receipt. Attach the copy to the signed Certificate of Service and file it with the court clerk.

Bring all your receipts and copies of forms to the Small Claims Court trial.

## 8. Get ready for trial

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**Gather evidence to bring to trial**, such as important documents, photos, receipts, and other evidence that can prove the other party owes you money.

Examples of evidence may include a lease or rental agreement, a contract, sales receipts, diagrams or drawings, canceled checks, repair bills, repair cost estimates, photos of damage, or physically damaged objects.

Bring originals, if possible, and bring extra copies in case the judge wants to look at or keep them. If someone else took the photos or made the documents, ask them if they can come to the trial with you to identify and explain the evidence.

If the other party files a counterclaim against you (and claims you owe them money), you may have to bring additional evidence to prove you don't.

You won't be able to submit evidence after the trial, so if in doubt, bring it with you.

**Contact witnesses who can support your claim.** Ask if they can appear at your trial and testify about things they personally observed. Witnesses must testify with knowledge about things they saw or heard in person. If they agree to testify, let them know what you'll ask them about so they are prepared.

In Washington, you can't order ("subpoena") a witness to come to Small Claims Court.

## Get ready for the hearing

Try to go to court before the day of your hearing or check the court clerk's website to see if you can watch a hearing online. Watch how the court generally does hearings. Try to make some notes to yourself about the main points to make at your hearing.

**Organize your paperwork.** Plan to bring your set of court papers and your copies of any papers the other parties gave you in response. Bring extra copies of any proposed orders you want the judge to sign.

**Get to your hearing early.** Try to figure out before the day of the hearing how you will get there and how long it will take. Give yourself time to get through security, and to the right courtroom. If you aren't there on time, the judge could cancel the hearing, or the other party may win.

**Bring** your paperwork, a pad of paper, and a dark pen to take notes. Dress neatly. Try not to bring your children if you can make other arrangements for them. The judge usually won't let them sit in the courtroom.

**When you get to the courtroom**, tell the person in charge in the courtroom (the clerk or bailiff) your name and your case name and number. Take a seat. When the judge walks in the room, stand.

If your hearing is online, follow these [tips for phone and video hearings](#).

Your case will be one of several that are scheduled for the same time on the court calendar (called a docket). Listen to the judge and wait for them to call your name. When they call your name, tell the court you are present. Stay in court until they call your case for hearing.

In most cases, the judge will have read your papers before the hearing. The judge will make a decision based on the paperwork filed by both parties in advance.

**If you can't attend your scheduled trial date**, contact the court clerk as soon as possible. Ask the court if you can reschedule the trial. You may have to submit a written request to the judge to ask for a continuance (later date).

If you don't attend the trial, you will probably lose automatically and the judge may dismiss the case.

## 9. At trial

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Bring copies of your Notice of Small Claims form, Certificate of Service or Proof of Personal Service, and any receipts from the post office showing you mailed the form to the other party.

Bring all your evidence, including documents, photos, or physically damaged objects.

**Check in with the court clerk.** The clerk will tell you which court room to go to. There may be a list of cases posted outside the courtroom. The judge may read the list of cases and ask who is in attendance. There may be many people ahead of you, or you may be first.

When your case name is called, go forward with your evidence and witnesses.

The judge may ask you, the other party, and any witnesses to tell the truth. When the judge asks you to speak, explain the facts of your case, and how the facts show that the other party owes you money.

Tell the judge about your witnesses and evidence. The judge may ask you and your witnesses questions.

The judge may then ask the other party to talk and present their side of the story and any counterclaims.

Don't interrupt the other party or the judge.

The judge may then ask you about the counterclaim. If you didn't get notice of the counterclaim (this is the first you're hearing about it), tell the judge you didn't get notice.

After hearing both sides, the judge may either announce a decision immediately or say they need to take more time to study the evidence and research the law. The judge may ask you and the other party to come back in a few weeks for the final ruling.

**If the other party missed the trial**, the judge may ask you to prove you properly served the other party with the Notice of Small Claims form. You may have to show the judge your Certificate of Service.

The judge may say the other party has lost by default (automatically) and may sign a judgment showing that the other party owes you the money you asked for.

## 10. Collect on a judgment

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If you won your small claims case, you'll have to collect the money yourself. The judge won't collect money for you.

The other party may just agree to pay you by cash, check, or cash app. If the other party pays you, give them a signed, dated receipt.

The other party may ask for a payment plan. Put any agreement to get paid over time in writing and ask the other party to sign it.

If the other party pays you in full, you should let the clerk know. Ask the clerk if there's a form to submit to show the other party paid in full. The form is usually called a **Satisfaction of Judgment**.

**If the other party doesn't pay**, and the case hasn't been appealed, and the other party doesn't pay within 30 days after the judge signed the money judgment, ask the clerk to **"certify the judgment."** There may be a small fee to do this.

A certified judgment allows you to try to collect the money through garnishment or a real estate lien. Certified judgements allow you to try to garnish or place a lien for **10 years**. You may be able to renew the collection period for one more 10-year period.

**Once the judgment is certified, you may try to garnish the other party's wages or bank account.** Garnishment can be complicated. You may need to pay a lawyer or hire a collection agency to garnish properly. The lawyer's fees or collection agency's costs may be added to the amount collected from the other party. But this may be the only way to get money from the other party.

**If the other party owns real estate (buildings and/or land), you may be able to put a lien on the property.** You may have to buy a transcript from the clerk for a small fee (usually \$20) and file it along with the certified judgment in the case.

A lien on the other party's property doesn't mean they have to sell the property. But if they do sell the property, you may get paid from some of the money the buyer pays them. The other party may want to pay you just to remove the lien from their real estate. You may need to hire a lawyer to get a lien placed on the other party's property.

## 11. Appeal

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**If you lose in Small Claims Court, you may appeal if your claim was for \$1,000 or more.** You can't appeal if your claim was for less than \$1,000.

**You may also appeal if the other party filed a counterclaim against you, and the counterclaim was for \$250 or more.**

If you appeal from a counterclaim judgment over \$250, you can file a Motion with the Superior Court asking the judge to "stay" (pause) the other party from collecting against you while the appeal moves forward. You may have to ask a lawyer to help you with this.

You appeal to the Superior Court in the same county as the Small Claims Court.

You must appeal **within 30 days** of the Small Claims Court judge's decision.

The Superior Court judge or commissioner will only look at the written record and submitted evidence from the Small Claims Court trial. In most cases, you won't be allowed to submit new evidence, unless the Superior Court asks you to.

1. Ask the clerk at the Small Claims (District) Court for a **"Notice of Appeal."** Fill it out. Make at least 2 copies. File the original with the Small Claims (District) Court.
2. **Notify the other party that you're appealing.** Serve the other party.
3. Ask the clerk from the Small Claims (District) Court for a **transcript** of your trial. You may have to pay a fee, usually \$20.
4. Ask the clerk from the Small Claims (District) Court how to **post a bond** with the District Court and how much it will be. The bond pays any judgment against you if you lose your appeal.

5. Pay the Superior Court clerk a filing fee for filing the **Notice of Appeal**, usually \$200. If you can't afford to pay it, you can ask for a fee waiver.
6. After you file your Notice of Appeal with the Superior Court, the District Court clerk should file your transcript with the Superior Court. The Superior Court clerk should give your Appeal case a new case number.
7. The Superior Court judge will look at the record and transcript and make a decision. You can ask the clerk how long the decision may take.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

**District Court of Washington, County of \_\_\_\_\_**

|                   |                |                              |
|-------------------|----------------|------------------------------|
| PLAINTIFF'S NAME  |                | SMALL CLAIM NO. _____        |
| ADDRESS           |                | <b>NOTICE OF SMALL CLAIM</b> |
| CITY<br>ZIP       | STATE          |                              |
| HOME PHONE<br>NO. | WORK PHONE NO. |                              |

VS.

|                  |       |                    |       |
|------------------|-------|--------------------|-------|
| DEFENDANT'S NAME |       | DEFENDANT 2'S NAME |       |
| ADDRESS          |       | ADDRESS            |       |
| CITY<br>ZIP      | STATE | CITY<br>ZIP        | STATE |
| PHONE NO.        |       | PHONE NO.          |       |

**Notice to the Defendant:**

The Plaintiff has filed a claim for money against you. The reasons are explained below.

**The Plaintiff claims you owe:**

\$ \_\_\_\_\_ in principal; and

\$ \_\_\_\_\_ in interest; totaling  
\$ \_\_\_\_\_.

**You must go to court:**



**on:** \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.  
*Date Time*

**at:** \_\_\_\_\_ in \_\_\_\_\_  
*Court's Address Room or Department*

\_\_\_\_\_  
*Docket/calendar or judge/commissioner's name*

This court hearing is for ☐ **PRE-TRIAL** ☐ **TRIAL**. Bring with you any and all papers, contracts, and proof needed by you to establish or defend this claim. You must bring any witnesses who will testify on your behalf to the trial.

If you fail to personally appear as directed, a judgment may be entered against you for the amount claimed, plus Plaintiff's costs of filing and service of the claim upon you.

Plaintiff must appear for a judgment to be entered. If Plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the court immediately, in writing.

\_\_\_\_\_  
Clerk  
Small Claim No. \_\_\_\_\_

**STATEMENT OF CLAIM**

I, *(Name)* \_\_\_\_\_, declare that the defendant named above owes me the sum of \$ \_\_\_\_\_ in principal and \$ \_\_\_\_\_ in interest, which was due and owing on *(Date)* \_\_\_\_\_.

The amount owed is for:

☐ Faulty Workmanship ☐ Merchandise ☐ Auto Damage - Accident Date \_\_\_\_\_  
☐ Wages ☐ Loan ☐ Return of Deposit ☐ Rent ☐ Property Damage  
☐ Other \_\_\_\_\_

Explain reason for claim: \_\_\_\_\_  
\_\_\_\_\_  
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**Military Service**

- ☐ The following defendants are in the military service and are covered by the *Servicemember Civil Relief Act*: \_\_\_\_\_
- ☐ No defendant is covered by the *Servicemember Civil Relief Act*. The facts supporting this claim are: \_\_\_\_\_
- ☐ I do not know if any defendants are covered by the *Servicemember Civil Relief Act*.

I certify under penalty of perjury under the laws of the State of Washington that all the information provided in this petition and any attachments is true and correct.

Signed at (*City and State*): \_\_\_\_\_ Date: \_\_\_\_\_



\_\_\_\_\_  
*Sign here*

\_\_\_\_\_  
*Print name*

District Court of Washington, County of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, (*Name*) \_\_\_\_\_ declare that I am not the plaintiff, defendant, or a witness, and I served the *Notice of Small Claim* on:

**Name of Defendant**

**Address Where Served**

**Date of Service**

\_\_\_\_\_  
☐ Defendant is a LLC, corporation, or other business entity.

**Title and Name of Person Served**

By:

☐ **PERSONAL SERVICE**

I served the above by delivering a true copy to the defendant personally in \_\_\_\_\_ County, State of Washington at the above address.

☐ **SUBSTITUTE SERVICE**

I served the above by delivering a true copy to the defendant's usual place of abode as listed above in \_\_\_\_\_ County, State of Washington, and leaving it with a person over 12 years of age residing there, as follows:

**Name of Person Receiving a Copy**

**Date of Service**

\_\_\_\_\_  
☐ **SERVICE BY MAIL** (Attach to this form both the postal receipt and the return receipt signed by the defendant.)

I served the Notice by depositing in the United States Post Office in \_\_\_\_\_ County, State of Washington, a true copy of the Notice enclosed in a sealed envelope having adequate postage and sent Certified or Registered Mail, Restricted Delivery, Return Receipt Requested, as follows:

**Address of Post Office**

**Date Mailed**

**Addressed to (Name of Defendant):**

\_\_\_\_\_  
**Mailing Address of Defendant**

\_\_\_\_\_  
I declare under penalty of perjury that the foregoing is true and correct and that I was, at the time of service of the above notice(s), a resident of the State of Washington over the age of 18 years and not a party to the above-numbered claim.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Server

Server's Phone No. \_\_\_\_\_

\_\_\_\_\_  
Address of Server