

**SMALL CLAIMS** – is simple process for suing someone for \$10,000\* or less. But, you are only allowed to bring two lawsuits for more than \$2,500 in one calendar year.

**BEFORE** you file:

- Statute of Limitations: check with the self help center to determine if you passed the deadline for suing someone.
- Identify WHO you are suing. (see the following pages)
- Did you send a demand letter to the person or business you are suing? (see the following information on demand letters)

#### **FEES**

- \$30 for each claim of \$1500 or less.
- \$50 for each claim of more than \$1500 but less than or equal to \$5000
- \$75 for each claim of more than \$5000 but less than or equal to \$10,000

#### **FORMS**

- SC-100: *Plaintiff's Claim and Order to Go to Small Claims Court*
- SC-100A: *for more than one plaintiff/defendant*
- MC-030 if you need more space to tell the court what happened.
- If you are a business suing someone, you may also have to fill out SC-103
- If you have exhibits or evidence, **do not attach them to your claim.** Bring the documents to court at the time of the hearing.

#### **SERVICE**

The defendants will need to be personally served. (see the following information on service).

**SAN BENITO COUNTY SELF HELP CENTER**  
450 Fourth Street, Hollister, CA 95023. Tel No. 831-636-4057 xt 104.  
Email: [self-help@sanbenito.courts.ca.gov](mailto:self-help@sanbenito.courts.ca.gov)

## **Defendant's Name?**

In general, if you are:

**Suing a person:** Write the person's first name and last name (and middle initial, if known). If the person has used different names, you can list each of them as an "aka" (also known as). For example, if the person you are suing signed a contract as John Doe, but you know he goes by the name of John Roe at work, you can sue him as "John Doe aka John Roe."

**Suing husband and wife:** Write both their full names.

For example: James Jones and Sally Jones.

**Suing domestic partners:** Write both their full names.

For example: Jane Jones and Sally Jones.

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

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

You can check the county records for the fictitious name filing for the business to see exactly how the owner's name appears. This way you can make sure you have the correct name of the individual owner on the complaint when you sue.

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

For example: Jim Smith and John Jones, individually and dba Smith & Jones, and Smith & Jones, a partnership.

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

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

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

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

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Some corporations are not really separate entities from the individuals who created them because the corporate assets and the assets of the officers and directors are all mixed together. If you get a judgment against a corporation that has no money because the money is all in the bank account of the corporation's president, you may find yourself unable to collect on the judgment. If you think that the corporation you are suing is really a sham to avoid personal liability by its main officers, you can name the individuals along with the corporation. This is called "piercing the corporate veil." You will need to show proof to the court that the corporation is not really separate from the individuals who run it.

When suing a corporation, limited partnership, or limited liability company (LLC), you need to check the California Secretary of State's website to see if the corporation, limited partnership, or LLC is licensed to do business in California. If it is not, it cannot appear in court to defend itself, and you can object to the court if it tries to. You can then request a judgment against the other side.

If the corporation, limited partnership, or LLC is licensed to do business in California, you need to check who is listed as the agent for service of process. This is the person or company that the corporation has chosen to receive legal papers.

**Suing because of a car accident:** Write the name of the driver and the owners of the car. If there were multiple cars involved, it is important to name each driver and owner.

- For example: If Sam Jones was driving the car when you were hit, but Betty Smith is the owner, your lawsuit would say: Sam Jones, driver, and Betty Smith, owner.
- If Sam Jones was pushed into your car when he was hit by Bob Hunt, and Bob Hunt was driving a car owned by David Brown, you would name all the drivers and owners: Sam Jones, driver, and Betty Smith, owner, and Bob Hunt aka Robert Hunt, driver, and David Brown, owner.
- If the owner and driver are the same person, you can just write that person's name: Sam Jones, owner and driver.
- If you do not know the name of the owner of the car but you have the car's license plate number, you can fill out a Request for Record Information to the

DMV to get the name of the registered owner on DMV [Form INF 70](#) .

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**Finding the Defendant** Once you know the name of the person or business you want to sue, you need to find their address to fill out the paperwork and to give them a copy of your claim once you file it.

**Find a Person**

- If the person you are suing has moved:  
Send a letter to his or her last address. Under your return address, write "Return Service Requested. Do Not Forward." If the person filed an address change with the post office, you will get the letter back with a new address.  
  
Also, the Postal Service will give you the new address of someone who has filed a change of address order (PS Form 3575). You can obtain this information if you need the new address in order to have service of process delivered on that person, and you submit a completed and signed "Request for Change of Address or Boxholder Information Needed for Service of Legal Process." You can get the request form from your local post office or the [U.S. Postal Service's website](#)
- If the person you are suing owns property: Your [local tax assessor's office](#) (**San Benito County**, 831-636-4030) can search the tax rolls for you. The tax rolls list the names and addresses of property owners in the county by both owner name and address of the property. You can search the records online. You can also find the tax assessor's address and phone number in the government pages of your phone book. It is usually in the county section under ASSESSOR.

You can also get this information from the [county registrar/recorder's office](#). The property owners are listed by name and the listing includes the location of the property owned. You can also find the address and phone number of your county registrar/recorder's office in the government pages of your phone book. It is usually in the county section under RECORDER.

**San Benito County Health and Human Services Agency**  
and Local Registrar of Births and Deaths  
351 Tres Pinos Road, Suite A-202  
Hollister, CA 95023  
Office (831) 637-5367  
FAX (831) 637-9073

**San Benito County Recorder County Courthouse**  
440 Fifth Street, Room 206  
Hollister, CA 95023-3896  
Office (831) 636-4046  
FAX (831) 636-2939

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- If you only know the person's phone number: You can get the address from a reverse directory, which allows you to search for someone's address if you have their phone number. You can look at this directory at the main branch of your [public library](#). The address will not be in the reverse directory if the phone number is unlisted.

You can also use a reverse phone directory online. Try using a search engine like Google, Yahoo, or Bing to search the phone number. You may get the address you are looking for.

## **Find a Business**

- If you only know the phone number: You can get the address from a reverse directory. You can look at this directory at the main branch of your [public library](#). The address will not be in the reverse directory if the phone number is unlisted.

You can also use a reverse phone directory online. Try using a search engine like Google, Yahoo or Bing to search the phone number. You may get the address you are looking for

- If you are suing a corporation or limited liability company (LLC): You can find out the name of the corporation or LLC and its agent for service at the website of the [California Secretary of State](#). The website can also tell you how to write to the Secretary of State to get more information about the corporation, such as a list of the corporation's officers.

# SAMPLE DEMAND LETTER

June 20, 20xx  
Jane Brown  
Beyond Repair Construction  
10 Delaney Avenue  
Menlo Park, CA 00000

Dear Ms. Brown:

Your firm recently did replacement tile work and other remodeling on my downstairs bathroom at 142 West Pine St., here in Menlo Park. As per our written agreement, I paid you \$4,175 upon completion of the job on May 17, 20xx.

Only two weeks later, on June 1, I noticed that the tile in the north portion of the shower had sunk almost half an inch, with the result that our shower floor was uneven and water pooled in the downhill corner before eventually going down the drain.

In our telephone conversations, you variously claimed that the problem:

- was in my imagination
- was my fault, because the floor was uneven to begin with, or
- was too minor to bother with.

Sorry, but I paid for a first-class remodeling job and I expect to receive it. Please contact me within ten days to arrange to pay me \$1,200 (the cost of redoing the work per the enclosed estimate from ABC Tile) or to arrange to redo the work yourself. If I don't hear from you by June 15, 20xx, I will promptly file in small claims court.

Sincerely,

*Ben Price*

Ben Price

**Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of  
SAN BENITO**  
450 Fourth Street  
Hollister, CA  
95023

Court fills in case number when form is filed.

**Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must attend court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court, if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
Date: _____		Clerk, by _____, Deputy		

**Instructions for the person suing:**

**Do not use this form to recover COVID-19 rental debt**, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- **Before** you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
- **Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Mailing address (if different): Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email address (if available): Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**If more than one plaintiff, list next plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Mailing address (if different): Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email address (if available): Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Check here if more than two plaintiffs and attach form SC-100A.

Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.

Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**2 The defendant (the person, business, or public entity being sued) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Mailing address (if different): Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:**

Name: \_\_\_\_\_ Job title, if known: \_\_\_\_\_

Address: \_\_\_\_\_

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Check here if your case is against more than one defendant and attach form SC-100A.

Check here if any defendant is on active military duty and write defendant's name here: \_\_\_\_\_

**3 The plaintiff claims the defendant owes \$ \_\_\_\_\_ . (Explain below and on next page.)**

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).)

a. Why does the defendant owe the plaintiff money?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Plaintiff (list names):

Case Number:

3 b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

Yes  No If no, explain why not:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5 Why are you filing your claim at this courthouse?

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

- a.  (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.  
 (2) Where the plaintiff's property was damaged.  
 (3) Where the plaintiff was injured.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

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

7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:

8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500?  Yes  No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff types or prints name here



\_\_\_\_\_  
Plaintiff signs here

Date: \_\_\_\_\_

\_\_\_\_\_  
Second plaintiff types or prints name here



\_\_\_\_\_  
Second plaintiff signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)



**"Small claims court"** is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

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

**How do I get ready for court?** You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or print forms at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

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

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

**Do I have options?** Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

\* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#), and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above titled "**Small Claims Court.**"
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

#### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

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



#### Need help?

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

SAN BENITO COUNTY SELF-HELP CENTER  
831-636-4057 XT 104  
SELF-HELP@SANBENITO.COURTS.CA.GOV

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).



La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.)\* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

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

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

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

**¿Qué pasa si no hablo bien inglés?** Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

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

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

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

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment)..
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

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

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
  - **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
  - **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
  - **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
  - **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.
- ¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:
- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
  - No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

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



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

CENTRO DE AUTO-AYUDA DEL CONDADO DE SAN BENITO. 831-636-4057 XT 104  
 SELF-HELP@SANBENITO.COURTS.CA.GOV  
 O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

## **SERVICE**

All the Defendant(s) in the case must be served. If you do not serve all the defendants in the case, the Judge can throw out your case.

**PERSONAL SERVICE** – Any non-party who is 18 or older can serve papers. The defendant is entitled to get notice at least 15 days before the date of the court hearing, *if that person lives in the county where the case was filed*. If the defendant lives in another county, they need to be served at least 20 days before the trial date.

**SAN BENITO COUNTY SHERIFF** – Our county sheriff will serve a small claim case for a fee. You can contact them at:

2301 Technology Parkway, Hollister, CA 95023.  
831-636-4080.

**PROOF OF SERVICE** – You must notify the court that you have had defendant(s) served. You must have the person who served the defendant(s) complete form SC-104. It is your responsibility as the plaintiff to file the SC-104 with the court as soon as the defendant(s) are served.

**CERTIFIED MAIL** – You can also serve court papers by certified mail with a return receipt. The Court clerk does the mailing for you. The San Benito Co. Superior Court accepts cash, check and credit card \* (with fees), the cost is \$15.00

Use this form to serve a **person**, a **business**, or a **public entity**. To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

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

① a. If you are serving a **person**, write the person's name below:

\_\_\_\_\_

b. If you are serving a **business** or **entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

\_\_\_\_\_

Business or Agency Name

\_\_\_\_\_

Person Authorized for Service

\_\_\_\_\_

Job Title

② **Instructions to Server:**

You must be at least 18 years old and **not be named in this case**. Follow these steps:

- Give a copy of all the documents checked in ③ to the person in ①, **or**
- Give a copy of all the documents checked in ③ to one of the following people:
  - a. A competent adult (at least 18) living with, and at the home of the person in ①, **or**
  - b. An adult (at least 18) who seems to be in charge at the usual workplace of the person in ①, **or**
  - c. An adult (at least 18) who seems to be in charge where the person in ① usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in ①.

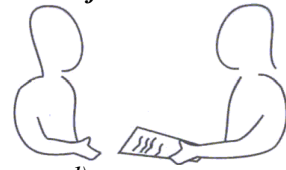
*and* mail a copy of the documents left with one of the adults in a, b, or c above to the person in ①.

THEN

- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, **in time for the form to be filed with the court at least 5 days before the hearing.**

③ **I served the person in ① a copy of the documents checked below:**

- a.  SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b.  SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c.  Order for examination (*This form must be personally served. Check the form that was served:*)
  - Note:** The court can issue a civil arrest warrant if the served party does not come to court **only** if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.
  - (1)  SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*
  - (2)  AT-138/EJ-125, *Application and Order for Appearance and Examination*
- d.  Other (*specify*): \_\_\_\_\_



Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of SAN BENITO**  
450 Fourth Street  
Hollister, CA 95023

Fill in case number, case name, hearing date, day, time, and department below:

**Case Number:**

**Case Name:**

**Hearing Date:**

**Time:**

**Dept.:**





Case name: \_\_\_\_\_

**4 Fill out "a" or "b" below:**a.  **Personal Service:** I personally gave copies of the documents checked in ③ to the person in ① :On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

b.  **Substituted Service:** I personally gave copies of the documents checked in ③ (a, b, or d) to (check one): A competent adult (at least 18) at the **home** of, and living with the person in ①, or An adult who seems to be in charge where the person in ① usually **works**, or An adult who seems to be in charge where the person in ① usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in ①.

I told that adult, "Please give these court papers to (name of person in ①)."

I did this on (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name or description of the person I gave the papers to: \_\_\_\_\_

After serving the court papers, I put copies of the documents listed in ③ in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in ① at the address where I left the copies.

I mailed the envelope on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_

by leaving it (check one):

a.  At a U.S. Postal Service mail drop, orb.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, orc.  With someone else I asked to mail the documents to the person in ①, and I have attached that person's completed Form SC-104A.**5 Server's Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for service: \$ \_\_\_\_\_

*If you are a registered process server:*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

**6** I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name\_\_\_\_\_  
Server signs here after serving

**SC-104C**

**How to Serve a Business or Public Entity (Small Claims)**

You must serve the *right* person and write the *exact* name of the business and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

Business Type:	Sole Proprietorship (Only 1 owner)	Partnership	Landlord	Corporation, Association	Limited Liability Company (LLC), Limited Liability Partnership (LLP), Limited Partnership (LP)	Unknown Business Type
<b>Serve:</b>	The owner	If you are suing a <b>partnership</b> , serve one of the partners.  If you are suing a <b>partnership</b> , <i>and</i> the partners, serve each partner.	The property owner or manager ( <i>Read Civil Code sections 1962–1962.7.</i> )	Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary, treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager	Agent for service listed with Secretary of State  To serve a limited partnership, you can also serve the general partner.	Someone who seems to be in charge of the business during normal business hours
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>• Business name</li> <li>• Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>• Partnership name</li> <li>• Name of partner, general manager, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>• Business name (if there is one)</li> <li>• Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>• Corporation name</li> <li>• Name of corporate officer or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>• Company or partnership name</li> <li>• Name of agent or partner for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>• Business name, form unknown</li> <li>• Owner's name and job title (<i>if you know it</i>)</li> </ul>
<b>Check that you have the exact names of the owner and business with:</b>	<ul style="list-style-type: none"> <li>• County Clerk–Recorder's or County Tax Assessor's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: <a href="http://www.csac.counties.org">www.csac.counties.org</a>.</li> <li>• City Clerk's Office (Ask to see the business license.) Your city's website may have this information.</li> </ul>		County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State website: <a href="http://businesssearch.sos.ca.gov/">businesssearch.sos.ca.gov/</a> Or call: <b>1-916-657-5448</b>  <b>OR</b> County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's website may have this information.  <b>OR</b> City Clerk's Office: (Ask to see the business license.) Your city's website may have this information.	Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship.	



**Need help?**

For free help, contact your county's Small Claims Advisor:  
 [space for local info here] San Benito County Self Help Center  
 831-636-4057 xt 104  
[self-help@sanbenito.courts.ca.gov](mailto:self-help@sanbenito.courts.ca.gov)

Or, go to "County-Specific Court Information" at: [www.courts.ca.gov/selfhelp/smallclaims](http://www.courts.ca.gov/selfhelp/smallclaims)



# SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served.  
Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

	City, County, or Public Entity	State of California, State Agency	Federal Agency
<b>Serve:</b>	City or county clerk, chief officer or director of public agency, or agent authorized to accept service	Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814  <i>Exception:</i> if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814	<i>You cannot sue a federal agency in small claims court.</i>
	<b>Important!</b> <i>Before you sue, you must first file a claim with the public entity. Contact it and ask for the claim procedures.</i>	<b>Note:</b> <i>Before you sue, you must first file a claim with the state or the state agency. To file a claim, see:</i> <b><a href="http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx">www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx</a> or call: 1-800-955-0045</b>	
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>Name of city, county, or public entity</li> <li>Name of city clerk, county clerk, chief officer, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Name of the agency you are suing</li> <li>Name of agent for service</li> </ul>	
<b>Check that you have the exact names of the owner and business with:</b>	Call the city or county clerk. See the government pages of your phone book.  Or search under the California Roster at the California Secretary of State website: <b><a href="http://www.sos.ca.gov/administration/california-roster/">www.sos.ca.gov/administration/california-roster/</a></b>	Call the agency to confirm the name and address for service. Use the State Directory: <b>1-800-807-6755</b> Or search: <b><a href="http://cold.ca.gov">cold.ca.gov</a></b> under "agency information"	



## Need help?

For free help, contact your county's Small Claims Advisor:  
[space for local info here] San Benito County Self Help Center  
831-636-4057 xt 104  
[self-help@sanbenito.courts.ca.gov](mailto:self-help@sanbenito.courts.ca.gov)

Or, go to "County-Specific Court Information" at: [www.courts.ca.gov/selfhelp/smallclaims](http://www.courts.ca.gov/selfhelp/smallclaims)