

SMALL CLAIMS HOW DO I FILE MY CASE

You will need:

- **SC-100: Plaintiff's Claims and Order to go to Small Claims Court,(5 pages)**

HOW TO START A SMALL CLAIMS CASE IN ORANGE COUNTY:

First, fill out the Small Claims plaintiff's Statement

The *Plaintiff's Claim and Order to go to Small Claims Court* (SC-100) contains five pages. You may pick up this form at the clerk's window or off the internet at www.ocsmallclaims.com. Once you have completed the form, take it to the Small Claims clerk at the proper Justice Center (See document "Venue: ***Where do you file your case?***") and file it. The court charges \$30 to file a claim for less than \$1500, \$50 for claims between \$1501 and \$5000, and \$75 for claims between \$5001 and \$7500 (\$7500 = Maximum amount if filing as an individual, \$5000 if filing as a business).

COMPLETING THE SC-100: PLAINTIFF'S CLAIM AND ORDER TO GO TO SMALL CLAIMS COURT

In order to complete the Small Claims Plaintiff's Statement, you will need the following information:

1. Correct name and address of the plaintiff.
 - (a) if you are filing as a business, you need the proper business name printed on the "fictitious business name statement" (form SC-103), statement number, expiration date, and type of business (corporation, sole proprietorship, or partnership).
2. Correct name and address of the defendant (individual, sole proprietorship, individual, partnership, or corporation) (See "***How to Name Fact Sheet***").
 - (a) If you are suing a corporation you need to locate the name and address of the "agent for service of process" from the Secretary of State. www.ocsmallclaims.com. (click on "Corporation Records")
3. The amount of money you are suing for and a short description of your claim i.e. "*Breach of Contract-Contract dated 12/1/00 to build a block fence.*"
4. Appropriate venue (the proper court to file your small claims lawsuit)
 - (a) See document "Venue: ***Where do you file your case?***" at <http://www.ocsmallclaims.com>
 - (b) If you are having difficulty determining the proper venue, call your county small claims advisor. For Orange County dial 714-571-5277
5. The number of claims you have filed in the past 12 months, and
6. An original signature.

FILE THE SC-100: PLAINTIFF'S CLAIM AND ORDER TO GO TO SMALL CLAIMS COURT WITH THE CLERK AT THE PROPER COURT

File the completed plaintiff's statement with the clerk at the proper Justice Center and include the filing fee. You can either take the plaintiff's statement directly to the Justice Center or mail it to the clerk at the proper Justice Center. The clerk will set a hearing date and return the "plaintiff statement and order to defendant" to you which you are responsible for serving on the defendant.

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Produced by the Small Claims Court Advisory Program of the Legal Aid Society of Orange County
Phone (714) 571-5722 Website (<http://www.ocsmallclaims.com/>)