

SKAGIT COUNTY
DISTRICT COURT

SMALL CLAIMS DEPARTMENT

SMALL CLAIMS
APPEALS

DAVID A. SVAREN
Judge

WARREN M. GILBERT
Judge

LINFORD C. SMITH
Commissioner

PAM SPRINGER
Court Administrator

(360) 336-9319
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Larry E. Moller Building
600 S. Third Street
PO Box 340
Mount Vernon, WA 98273-0340

APPEAL CHECKLIST:

- File Notice of Appeal in District Court within 30 days of decision
- Serve copy of Notice of Appeal on all opposing parties within 30 days of decision, and file proof of service with the District Court
- Pay \$220 filing fee to the District Court within 30 days of decision
- Pay \$40 case processing fee to the District Court within 30 days of decision
- Post required bond in District Court within 30 days of decision
- Contact Superior Court to set case for trial

WHAT IS SET FORTH HERE IS WHAT THE STATUTES SEEM TO PROVIDE. IT IS NOT LEGAL ADVICE TO YOU.

YOU SHOULD NOT RELY EXCLUSIVELY ON THIS INFORMATION. YOU ARE REQUIRED TO FOLLOW THE CORRECT PROCEDURE, EVEN IF DIFFERENT THAN SET FORTH HERE.

FAILURE TO FOLLOW THE CORRECT PROCEDURE MAY CAUSE YOUR APPEAL TO BE DISMISSED.

IT IS YOUR RESPONSIBILITY TO MAKE THE PROPER FILINGS WITH THE DISTRICT AND SUPERIOR COURT CLERKS.

LIMITATIONS ON APPEAL

Except as noted, any party dissatisfied with the decision of the small claims court may appeal that decision to the Superior Court. Provided, however, the party who files a claim or counterclaim cannot appeal unless the amount claimed (the amount asked for, not the amount of the judgment) exceeds \$1,000 provided further, no party may appeal a judgment where the amount claimed is less than \$250.

PROCEDURE ON APPEAL

The small claims statute is RCW 12.40. Appeals from small claims are governed by RCW 12.36. You will want to read each of these chapters carefully. The civil court rules do not apply to small claims. Copies of RCW Chapters 12.36 & 12.40 can be found in the Skagit County Law Library.

NOTICE OF APPEAL & COSTS

Within thirty (30) days of the small claims decision, you must do the following in District Court:

1. File a Notice of Appeal, serve it on all opposing parties, and file proof of service.
2. Pay the \$220 filing fee.
3. Pay the \$40 case processing fee.
4. Post the required bond.

THE BOND

The bond must be cash, or a surety approved by the District Court in twice the amount of the judgment and costs, or twice the amount in controversy (whichever is greater). The bond must be conditioned that you will pay all costs that may be awarded against you on appeal.

PLEASE NOTE THAT FILING A NOTICE OF APPEAL AND FILING THE APPEAL BOND DOES NOT STAY (STOP) ENFORCEMENT OF THE SMALL CLAIMS JUDGMENT; TO STAY ENFORCEMENT, A "STAY OF PROCEEDINGS" MUST BE FILED IN SUPERIOR COURT.

JURISDICTION

After the appeal is filed in the Superior Court the District Court has no further jurisdiction over the case.

IF YOU FAIL TO PROPERLY PERFECT YOUR APPEAL, YOUR OPPONENT CAN DEMAND SUPERIOR COURT DISMISS YOUR APPEAL!!