

SKAGIT COUNTY DISTRICT COURT

Larry E. Moller Building
600 S Third St / PO Box 340
Mount Vernon WA 98273-0340
(360) 416-1250

Name: _____

Case # _____

Address: _____

E-mail: _____

Phone: _____

Plaintiff,

vs

**CLAIM
&
NOTICE OF CLAIM**

Name: _____

Address: _____

E-mail: _____

Phone: _____

Defendant.

CLAIM

Comes now the above named Plaintiff and for claim against the above named Defendant, alleges as follows:

1. The addresses of the Plaintiff and Defendant are as set forth above.
2. Defendant is indebted to Plaintiff in the amount of \$ _____
3. The claim accrued on _____. (Date)
4. The basis of the claim is as follows: _____

and the Plaintiff prays for judgment against Defendant in the amount alleged above, plus court costs and interest.

I CERTIFY AND DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE READ THE STATEMENTS MADE IN THE FOREGOING CLAIM AND BELIEVE THEY ARE TRUE AND CORRECT.

Signed at Mount Vernon, Washington this _____ day of _____, 20__ by _____, Plaintiff

NOTICE

TO THE ABOVE NAMED DEFENDANT:

You are hereby notified that the above named Plaintiff has commenced a small claims lawsuit against you requesting that the Court enter judgment against you in the amount and for the reasons above stated which amount and statement are by this reference made a part of this notice.

YOU ARE DIRECTED TO APPEAR PERSONALLY before the above entitled court at the hearing time and date below set forth and answer the claim of the Plaintiff.

IF YOU FAIL TO APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU IN THE AMOUNT OF THE REQUESTED CLAIM, PLUS INTEREST AND COURT COSTS.

Date issued: _____ Clerk, District Court _____

***** **CLERK'S USE ONLY** *****

Hearing time and date: _____, 20__ @ _____ am/pm. by _____ date _____

Rescheduled to: _____, 20__ @ _____ am/pm. by _____ date _____

Rescheduled to: _____, 20__ @ _____ am/pm. by _____ date _____

[] No one appearing on the scheduled trial date, the case is dismissed. by _____ date _____

READ THE REVERSE SIDE OF THIS CLAIM FOR ADDITIONAL INFORMATION

HEARING PROCEDURE

FIRST APPEARANCE

1. If the Plaintiff and Defendant both appear on the assigned hearing date, the case will be assigned for mediation at that time:
 - (a). If an agreement is reached in mediation, the case can be concluded at that time.
 - (b). If no agreement is reached through mediation, both parties will return to the courtroom for a pre-trial conference. The Judge will inquire as to the nature of the claims, the number of witnesses and exhibits anticipated, and the amount of time needed to present the testimony and evidence. The Judge may suggest what evidence might be helpful to the court in reaching a just decision, and may suggest certain areas of applicable law the parties may want to review. The Judge will then assign a date and time for trial. **Please do not bring witnesses and exhibits to the first hearing.**
2. If the Defendant fails to appear, and if service has been properly made, and proof of such service is present, the Plaintiff will be given a default judgment against Defendant up to the amount claimed, if the Plaintiff's testimony supports the claim.
3. If the Plaintiff fails to appear the case will be dismissed without prejudice. However, if the Defendant is present and has filed a written counterclaim, properly served on Plaintiff, and with proof of such service, Defendant may be allowed a default judgment against Plaintiff on the counterclaim.
4. If neither party appears the case will be dismissed without prejudice.

Counterclaims: If the Defendant has a counterclaim based on the same transaction or event as the Plaintiff's claim, such counterclaims must be made in writing and filed at the first hearing. The Clerk has a form to file such counterclaim.

Appearance: "Appears" means the personal presence of the party involved, or presence of a person (not an attorney or legal paraprofessional) with authority to resolve the case through mediation, or set for trial if needed.

Anyone appearing at the first appearance must have authority to resolve the case through mediation. If the person appearing does not have authority to resolve the case, the appearance will be continued until someone with authority appears. Costs may be assessed.

Continuance: Requests for continuance must be made in writing, and a copy sent to the other party. The request must set forth the reason for the continuance, be signed by the party requesting, and be filed at least five days prior to the scheduled hearing. A continuance must be requested as soon as the schedule conflict is known. The request may not be granted, so both parties must contact the Clerk for the court's decision.

TRIAL

At trial, both parties will testify or call witnesses, and present exhibits. Generally, the Court will rely on the evidence produced by the parties. The Judge has authority to investigate independently, but this is rarely done. The Judge may ask questions of the witnesses and parties.

If it is inconvenient or expensive to have a witness appear in person, an affidavit setting forth the testimony of the witness can be presented. A copy of the affidavit must be provided to the other party at least five days prior to trial (along with other discovery). Responsive affidavits can be presented on the day of trial, but must be given to the other party prior to beginning of the trial. The use of affidavits is not encouraged, and the Judge is free to disregard them. The affidavit must be in proper form; a "signed statement" is not sufficient. The Clerk has affidavit forms available.

Check in with the Clerk at least 15 minutes prior to the time set for trial as trials are not always held in the District Court building. The same rules apply at trial regarding a party who fails to appear.