

KITSAP COUNTY DISTRICT COURT

SMALL CLAIMS CHECKLIST

HOW DO I BEGIN A SMALL CLAIMS CASE AND FILE DOCUMENTS? There are two methods you may use to file a small claims case and three methods you may use to file documents with District Court –

- **ePORTAL [Suggested]**. You can begin a small claims case and file documents in the case through the District Court ePortal. All documents filed through the ePortal must be in PDF formatting.

Visit the District Court website at www.kitsap.gov/dc and click on the ePortal link at the top of the homepage. Signing up for the ePortal is free, and only requires an email address and a password which you create.

In addition to filing documents in your case through the ePortal, you are also able to view significant information about the case including all documents filed in the case, judge and clerk actions, and court dates. You may also print any document filed in the ePortal for free.

The ePortal is available anytime including when the District Court is not open.

- **IN PERSON**. You may begin a small claims case and file documents in the case in person at the Kitsap County Courthouse, 614 Division Street, Port Orchard, WA, in the District Court Clerk’s Office, room 106.
- **E-MAIL**. You may file documents in the case by e-mail at districtcourt@kitsap.gov. All documents filed by e-mail should be in PDF formatting.

However, you may not begin a small claims case by e-mail because a filing fee is required when a small claims case is filed unless the fee is waived by a judge.

SMALL CLAIMS FORMS ON WEBSITE. All forms discussed below are available on the District Court website at www.kitsap.gov/dc under the Small Claims link.

SMALL CLAIMS CHECKLIST. The following checklist is a summary of the SMALL CLAIMS CHECKLIST INSTRUCTIONS available on the District Court website –

- ___ 1. Litigant Confidential Information Form. Provide this form to District Court if not previously provided or if your information has changed.
- ___ 2. Beginning Your Small Claims Case – Filing The Small Claims Notice Of Claim. Plaintiff must prepare and file with the Court a Small Claims Notice Of Claim. The clerk will provide a file-stamped copy of the claim to Plaintiff after the claim is filed.
- ___ 3. \$50 Filing Fee. Unless excused by District Court, Plaintiff must pay the \$50 filing fee to District Court when the Small Claims Notice Of Claim is filed. See **“PAYMENT OF TICKETS, FINES, AND COURT FEES”** on the District Court website for payment options.
- ___ 4. Waiver of Filing Fee. If Plaintiff cannot afford the \$50 small claims filing fee, Plaintiff must file a Motion For Waiver Of Fees when the Small Claims Notice Of Claim is filed.

- ___ 5. Notice Of Court Date. After the Small Claims Notice Of Claim is filed, the clerk will provide Plaintiff with a Notice Of Court Date which schedules the small claims mandatory pretrial mediation hearing.

Pretrial Mediation Hearing Date – _____.

- ___ 6. Small Claims Declaration Of Military Status. If a Defendant is a person, Plaintiff must complete and file this form no later than one week before the date on the Notice Of Court Date (see checklist item 5 above). A separate form is required for each Defendant who is a person.

[Note – A Small Claims Declaration Of Military Status is not required if a Defendant is a corporation, HOA, partnership or other legal entity.]

The Small Claims Declaration Of Military Status form asks two questions, both of which Plaintiff must answer –

- (1) Is Defendant an active service member?
- (2) Is Defendant a dependent of an active service member?

[Note – Plaintiff must answer both question 1 and question 2, and any subparts.]

[Note – The form provides information explaining how a Plaintiff can determine a Defendant’s military status and military member dependent status.]

Date filed – _____.

- ___ 7. Service On All Defendants. Plaintiff must promptly arrange for service on all Defendants of the – (a) Small Claims Notice Of Claim; and (b) Notice Of Court Date; and (c) Small Claims Declaration Of Military Status (one for each Defendant if Defendant is a person).

A Plaintiff or a witness cannot personally serve these documents.

Service must be completed no later than 10 days before the pretrial mediation hearing date.

[Note – See the SMALL CLAIMS CHECKLIST INSTRUCTIONS for how to properly serve all Defendants.]

Date served – _____.

- ___ 8. Small Claims Declaration Of Service. When each Defendant is served, Plaintiff must immediately file with the Court a separate Small Claims Declaration Of Service for each Defendant served.

The person who served the forms (see checklist item 7 above) on the Defendant must sign this form under oath.

This form must be filed with the Court no later than one week before the date on the Notice Of Court Date (see checklist item 5 above).

Date filed – _____.

___ 9. Small Claims Counterclaim. If you are a Defendant and want to file a counterclaim against the Plaintiff, you should file the Small Claims Counterclaim promptly after being served with the Small Claims Notice Of Claim.

___ \$50 Filing Fee. Unless excused by District Court, Defendant must pay the \$50 filing fee to District Court when the Small Claims Counterclaim is filed. See **“PAYMENT OF TICKETS, FINES, AND COURT FEES”** on the District Court website for payment options.

___ Waiver of Filing Fee. If Defendant cannot afford the \$50 small claims filing fee, Defendant must file a Motion For Waiver Of Fees when the Small Claims Counterclaim is filed.

___ Service On All Opposing Parties. Defendant must promptly arrange for service of the Small Claims Counterclaim on all opposing parties.

A Defendant or witness cannot personally serve a Small Claims Counterclaim.

[Note – See the SMALL CLAIMS CHECKLIST INSTRUCTIONS for how to properly serve all opposing parties.]

___ Small Claims Declaration Of Service. When each party is served with the Counterclaim, Defendant must immediately file with the Court a separate Small Claims Declaration Of Service for each party served.

The person who served the Counterclaim on the other parties must sign the form under oath.

Date filed – _____.

___ 10. Small Claims Motion To Amend Name Of Party In Caption. If a party’s name is not accurately stated on the caption, file a – (a) Small Claims Motion To Amend Name Of Party In Caption; and (b) Small Claims Note For Motion Docket; and (c) Small Claims Declaration Of Service.

Your motion hearing is in courtroom 203 on _____ at 1:30 PM.

- ___ 11. Unable To Appear For A Scheduled Court Date? You have two options –
- ___ (a) Motion To Continue. If you are unable to appear for the scheduled court date, you can ask the judge before the scheduled date to continue the court date.
- You must prepare and file a – (i) Small Claims Motion To Continue; and (ii) Small Claims Note For Motion Docket. These documents must be served on all other parties, and a Small Claims Declaration Of Service promptly filed for each party served.
- Your motion to continue is scheduled by the clerk to be held in courtroom 203 on _____ at 1:30 PM.
- ___ (b) All Parties Agree To Continue. Unless there is a court order prohibiting you from contacting a party, you could instead contact all other parties to see if they will agree to continue the scheduled court date. If all parties agree, you should send an e-mail to the Court (**districtcourt@kitsap.gov**) and all other parties letting the Court know the new court date all the parties would prefer.
- If all parties agree to continue the scheduled court date, no hearing will occur on the motion to continue. Instead, the judge will grant the motion to continue and cancel the scheduled court date. The clerk will notify all parties of the new court date.
- ___ 12. Summary Of Case. [This is optional] Prepare a written summary of the facts of your case so you will be organized when you testify before the judge. You may want to include your summary in a Declaration Of Witness so the judge can review your testimony in advance of your trial (see checklist item 13 below).
- ___ 13. Witness Declarations. If you or any person is willing to do so under oath, complete a Declaration Of Witness discussing facts you or another witness want to tell the judge about your case. Witness declarations should promptly be filed with the Court and served on all other parties unless there is a court order prohibiting contact.
- ___ 14. Exhibits. Gather all your exhibits, such as photographs, texts, email, social media posts, video and audio recordings, contracts, estimates, receipts, cancelled checks, and other items you want to show the judge at trial.
- ___ Print Electronic Exhibits. If an exhibit is in electronic format (such as texts, email, social media, photographs), print the exhibit. A judge will not look at a device such as a phone or computer to look at your exhibits.
- ___ Video And Audio Recordings. Video and audio recordings must be downloaded to a thumb drive in a playable format and placed in an envelope. The envelope should be the last page in your exhibit packet.
- [Note – You must bring a device into the courtroom to play the video or audio recording. If you do not, the judge will not be able to view or listen to your recording.]

___ Organize Your Exhibits Into One Packet. Put all your exhibits in the order you want to discuss them during the trial. You may only submit one packet of your exhibits to the Court, so make sure to include all of your exhibits in your packet.

___ Number Your Exhibits. Every page of each exhibit must have a sequential number at the bottom of the page. The first page will be marked “1” at the bottom, the second page “2”, etc.

___ Three Copies Of Your Exhibit Packet. Make at least 3 copies of your exhibit packet. One packet for – (a) each party; (b) the Court; and (c) you.

___ Exhibit Binder. [This is optional] An exhibit packet stored in one binder and provided to each recipient will make sure exhibits do not become loose or get out of order.

- ___ 15. Service Of Witness Declarations And Exhibits Due 7 Days Before The Pretrial Mediation Hearing. Unless there is a court order prohibiting contact, your witness declarations and exhibit packet must be served on each party at least 7 days before the pretrial mediation hearing.

Do not send your exhibit packet or a copy to the Court until after the pretrial mediation hearing and only if a trial date is scheduled. See the link “*Guide to Representing Yourself*” for service information.

Date served – _____.

- ___ 16. Small Claims Declaration Of Service. Unless there is a court order prohibiting contact, you may serve witness declarations and your exhibits on an opposing party. The proper methods for doing so are listed in the Small Claims Declaration Of Service form in paragraph 4B. When a party is served, you must immediately file a Small Claims Declaration Of Service for each party served so that the judge will know what documents you served and on whom you served them.

Date filed – _____.

- ___ 17. Pretrial Mediation Hearing. Your mandatory pretrial mediation Zoom virtual hearing is in courtroom 203 on _____ at 8:30 AM.

- ___ 18. Trial. Your trial is in courtroom 203 _____ at 1:30 PM.

- ___ 19. Evidence To Clerk Due 7 Days Before Trial. All witness declarations and your exhibit packet must be provided to the clerk at least 7 days before your trial if a trial is scheduled.

Date due – _____.

- ___ 20. Judgment Fully Paid. If a judgment was entered, upon full payment the successful party must immediately prepare a Small Claims Satisfaction Of Judgment and file it with the Court. A copy should also be provided to all parties.

- ___ 21. Judgment Paid But Satisfaction Of Judgment Not Filed. If you paid the small claims judgment in full but a Small Claims Satisfaction Of Judgment was not filed by the opposing party, you should prepare and file a – (a) Small Claims Motion For Entry Of Satisfaction Of Judgment; and (b) Small Claims Note For Motion Docket.

The documents must be served on each party, and a Small Claims Declaration Of Service promptly filed.

Your motion hearing is in courtroom 203 on _____ at 1:30 PM.

- ___ 22. Case Was Settled But You Were Not Paid. Prepare and file a – (a) Small Claims Motion To Enforce Settlement Agreement; and (b) Small Claims Note For Motion Docket.

Serve each party and file a Small Claims Declaration Of Service.

Your motion hearing is in courtroom 203 on _____ at 1:30 PM.

- ___ 23. File Notice Of Appeal. If you want to appeal a judge’s decision, file a Notice Of Appeal in District Court within 30 days of the judge’s written decision.

For appeal information, see the “**APPEALS**” link at the District Court website.

Date due – _____.

Date filed – _____.