

ISLAND COUNTY DISTRICT COURT  
800 SE 8<sup>TH</sup> AVENUE  
OAK HARBOR, WA 98277  
360-675-5988

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

Case number: \_\_\_\_\_

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

\_\_\_\_\_

**CLAIM AND NOTICE OF CLAIM**

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

Plaintiff,

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

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

\_\_\_\_\_

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 set forth above.
2. Defendant is indebted to Plaintiff in the amount of \$\_\_\_\_\_.
3. The claim accrued on or about \_\_\_\_\_ 20\_\_\_\_\_.
4. The basis of the claim is as follows:

†  Faulty Workmanship  Merchandise  Auto Damages-Date of Collision \_\_\_\_\_  
 †  Wages  Loan  Return of Deposit  Rent  †Property Damage  other:

**Statement of claim:** \_\_\_\_\_

\_\_\_\_\_  
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 Oak Harbor, Washington this \_\_\_\_ day of \_\_\_\_ 20\_\_ by \_\_\_\_\_ Plaintiff.  
signature

**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 a judgment against you in the amount and 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 \_\_\_\_\_

Hearing date and time: \_\_\_\_\_.

No one appearing, on the scheduled trial date, the case is dismissed.

**READ THE REVERSE SIDE OF THIS CLAIM FOR ADDITIONAL INFORMATION**

## HEARING PROCEDURES

### 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 claim(s), 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. The Judge shall also set a deadline for you to provide copies of your exhibits to the other party. **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 by the first hearing. **The filing fee is \$50.00** to file a counterclaim. Notice of the Counterclaim must be served on the Plaintiff at least 10 days prior to the court hearing date.

**Appearance:** "Appears" means the personal presence of the party involved, or presence of a person (not an attorney or paralegal) 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 scheduled 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. You will need to bring copies for the Judge and the other party in the suit. Bring the copies to court the day of the hearing. 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.