

AMENDED NOTICE OF SMALL CLAIMS INSTRUCTIONS

HAVE YOU SERVED THE DEFENDANT?

- **YES** *(Complete the following)*
 - Fill out the Amended Notice of Small Claims
 - File it with the District Court *(No Fee required)*
 - Serve the Defendant(s) again
 - File Proof of Service for the Amended Notice with District Court
- **NO** *(Complete the following)*
 - Return all copies of the Notice of Small Claims that were provided when you first filed with the District Court *(Your copy, Defendant(s) copy – these copies are required if you would like to Amend the Notice before the scheduled hearing date)*
 - **WHAT IF I DO NOT HAVE MY COPIES?** If you do not have the copies provided when you initiated your claim, you will need to appear at the court hearing and request a continuance so you may file an Amended Notice and have that document served on the Defendant(s).
 - Fill out the Amended Notice of Small Claims *(No Fee required)*
 - Serve the Defendant(s) again
 - File Proof of Service for the Amended Notice with District Court

IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON
SMALL CLAIMS NOTICE OF AMENDED CLAIM

Small Claim Case #: _____

PLAINTIFF'S NAME (1) - <i>full/legal name</i>	PLAINTIFF'S NAME (2) - <i>full/legal name</i>
Doing Business As – <i>Company Name if you are a business</i>	Doing Business As – <i>Company Name if you are a business</i>
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
EMAIL	EMAIL
CELL/HOME PHONE NO WORK PHONE NO	CELL/HOME PHONE NO WORK PHONE NO

Vs.

DEFENDANT'S NAME (1) - <i>full/legal name</i>	DEFENDANT'S NAME (2) - <i>full/legal name</i>
Doing Business As – <i>Company Name if you are a business</i>	Doing Business As – <i>Company Name if you are a business</i>
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
EMAIL	EMAIL
CELL/HOME PHONE NO WORK PHONE NO	CELL/HOME PHONE NO WORK PHONE NO

TO THE PARTIES:

YOU ARE HEREBY NOTIFIED to appear for TRIAL on: _____, at _____ a.m./p.m.

- ☐ Spokane District Courtroom 203, **BROADWAY CENTER BLDG.**, 721 N. Jefferson, Spokane, WA
- ☐ Spokane District Courtroom **VALLEY COURT**, 12710 E. Sprague, Spokane Valley, WA

CLERK OF COURT: _____

YOU ARE HEREBY NOTIFIED that the above-named Plaintiff has filed a claim against you. *(See attached original Notice of Small Claims that has been filed.)* Plaintiff is amending the original Notice of Small Claims for the following reasons which are stated below.

- ☐ To amend the hearing date to allow more time for service
- ☐ To add/remove a Defendant to the original Small Claims
- ☐ To amend the amount of claim. The amended claim(s) against you amounts to \$ _____.
- ☐ To amend the Statement of Claim. The reasons for which are stated below.

MEDIATION ASSISTANCE

If you would like to mediate your claim, assistance can be provided from Gonzaga University School of Law. Please view the Mediation video at www.youtube.com/watch?v=kMCsoHP8a8 . Once your Claim has been filed with the Court, you will be contacted by a law student from Gonzaga University School of Law.

WHAT IF THE DEFENDANT/PLAINTIFF DOES NOT APPEAR AT THE HEARING?

If the Defendant is properly served with the claim and does not appear at the hearing, you can ask the Court to issue a default judgment. Plaintiff must appear for a judgment to be entered. If Plaintiff fails to appear, the claim may be dismissed. If the claim is settled prior to the hearing date, the parties must notify the court immediately in writing.

The REASON(S) I Claim the Defendant Owes Me Money:

☐ See Attached Original Notice of Small Claims

☐ Amended Statement of Claim:

You must provide evidence at the hearing for each item you want money damages for – failure to list items you want money for may result in the Court not considering those items.

****Attach an additional page if necessary**

☐ The following defendants are in the military service and are covered by the *Servicemember Civil Relief Act*: _____

☐ No Defendant is covered by the *Servicemember Civil Relief Act*. The facts supporting this claim are: _____

☐ I do not know if any Defendants are covered by the *Servicemember Civil Relief Act*.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.
Signed in Spokane, Washington on _____ [Date].

Print or Type Name

Print or Type Name

The Plaintiff must arrange for **service** of this Notice of Small Claim on the Defendant and file the completed **SMALL CLAIMS DECLARATION OF SERVICE** form with the Court **prior** to the hearing. *The Plaintiff cannot serve or mail the documents and cannot complete the Declaration of Service.* RCW 12.40.040, RCW 4.28.080. The Notice of Claim **must be served** on the Defendant not less than **10 days before the trial date**.

INSTRUCTIONS FOR YOUR TRIAL

WHAT IS AN EXHIBIT? Exhibits are document(s) you present to the Court to help prove your side of the case. Exhibits can be written statements, email/text messages, documents, photographs, and videos. Please read and follow these instructions carefully to make sure that your exhibits are admissible at trial.

1. **Exhibits Are Limited to 20 Single-sided Printed Pages.** The Court must have printed copies of all exhibits to maintain a full record of the trial. This means that photographs, text messages, and other evidence must be printed out and copies given to the Court and the Opposing Party at the time of trial. Contracts, including rental/lease agreements do not count towards the 20-page limit.
2. **All Written Testimony or Statements Must be Signed Under Oath.** All testimony, whether in court or outside of court, must be under oath to be admissible at trial. Written statements must be signed by the person making the statement, under the following attestation: "These statements are made under penalty of perjury under the Laws of the State of Washington."
3. **Video Requirements.** The Court prefers you submit printed screenshots from a video as exhibits rather than submitting a video, to make things simpler at trial. If a video is necessary to prove your case, it must be **edited** to about one minute in length with a Media USB log describing the one-minute video. You must provide copies of the USB and the log to the Court and Opposing Party at the trial. **YOU ARE NOT PERMITTED TO PRESENT VIDEOS OR AUDIO FILES AS EVIDENCE SIMPLY BY DISPLAYING THEM ON YOUR CELL PHONE OR COMPUTER.**

HOW SHOULD I ORGANIZE MY EXHIBITS? Number your Exhibit packet pages 1 to 20. *****DO NOT STAPLE or use a folder/binder for exhibits***** **Confidential Information:** You must **redact (black out) any confidential information** (i.e., bank account, social security, and driver's license numbers). Filed documents are PUBLIC RECORDS. All exhibits must be on **8.5 x 11 inch paper**.

HOW MANY SETS OF EXHIBITS ARE REQUIRED? **THREE (3) exact identical complete sets** of exhibits with **pages numbered 1 to 20.** (1. Court Copy; 2. Opposing Party Copy; 3. Your Copy) **DO NOT WAIT** until the hearing to **ORGANIZE your exhibits.** [*Copies may be obtained through the Clerk's Office at a cost of 50 cents per page*]

HOW MUCH TIME WILL I HAVE TO PRESENT MY CASE? Each side will have a total of about **ten minutes** to **present your case** so you **must** organize your arguments and exhibits before trial. The hearing and disposition of the actions shall be informal, with the *sole object of dispensing speedy and quick justice between the litigants.*" RCW 12.40.090.

RETRIEVING YOUR EXHIBITS AFTER TRIAL: Exhibits will be held for a **30-day appeal period**. If no appeal is filed, Exhibits can be picked up after 30 days. ***Exhibits not picked up within 60 days after trial WILL BE DESTROYED WITHOUT FURTHER NOTICE***

SETTLEMENT PRIOR TO COURT: If this claim is settled prior to the hearing date, the **PLAINTIFF** must notify the Court and the opposing side immediately in writing so the Court can dismiss the case and cancel the court date. You may email the Court at DCCIVIL@SPOKANECOUNTY.ORG to notify of settlement (you must copy the opposing side on the email to the Court).

LEGAL ADVICE: *Staff and the Judge cannot give you legal advice. For more information on Small Claims filing and processes you must do your own research or consult a lawyer. See also, RCW 12.40, RCW 3.66, RCW 4.16., and RCW 36.18. Additional information is available at www.spokanecounty.org/2847/Civil-and--Small-Claims-Cases.*

IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON

Plaintiff(s),

vs.

Defendant(s).

SMALL CLAIMS NO. _____

CERTIFICATE OF SERVICE

*****THIS DOCUMENT MUST BE FILED WITH
COURT
BEFORE THE HEARING DATE*****

I DECLARE that I am **not the Plaintiff, Defendant or a Witness**, or Other interested party in this matter. I am over the age of 18 and a resident of the State of Washington. I served the following documents:

- ☐ NOTICE OF SMALL CLAIMS ☐ NOTICE OF SMALL CLAIMS COUNTERCLAIM
☐ NOTICE OF AMENDED SMALL CLAIMS by:

PERSONAL SERVICE RCW 4.28.080(16)

I served the Notice by delivering a true copy to the Defendant, personally in SPOKANE County, State of Washington, as follows:

Name of Defendant/Plaintiff:

Address Where Served:

Date of Service:

SUBSTITUTE SERVICE RCW 4.28.080(16)

I served the Notice by delivering a true copy to the Defendant's usual place of residence in SPOKANE County, State of Washington, and leaving it with a person over 12 years of age residing there, as follows:

Name of Defendant/Plaintiff:

Address Where Served:

Date of Service:

Name of Person Receiving Copy:

SERVICE BY MAIL RCW 12.40.040; RCW 4.28.080(17) *MUST attach both the postal receipt AND the return receipt signed by the defendant* I served the Notice by depositing in the United States Post Office in _____ County, State of _____, a true copy of the Notice enclosed in a sealed envelope having adequate postage and sent Certified Mail, Restricted Delivery, Return Receipt Requested, as follows:

Name of Defendant/Plaintiff:

Address Mailed:

Date Mailed:



SERVICE ON A BUSINESS RCW 4.28.080(9)

I served the Notice by delivering a true copy to the Registered Agent as follows:

Name of Registered Agent:

Address Mailed:

Date Mailed:

Manner Served:

- ☐ Personal Service
- ☐ Service by Mail (**MUST** attach both the postal receipt AND the return receipt signed by the Registered Agent)

I, the undersigned, declare under penalty of perjury that the foregoing is true and correct and that I was at the time of service of the above notice(s) a resident of the State of Washington over the age of 18 years **and not a party to the above-referenced claim.**

Server's Name (Printed)

Server's Signature

Date

Server's Phone No.

Server's Address

City

State

Zip Code

****If there is a Service Fee Cost, please attach the invoice/receipt.**

When completed, return to:
Spokane County District Court
Civil & Small Claims
PO Box 2352
Spokane WA 99210

**SPOKANE COUNTY DISTRICT COURT
STATE OF WASHINGTON**

Case Number: _____

EXHIBIT LOG

☐ Court ☐ Plaintiff(s) ☐ Defendant(s)

HEARING DATE: _____

Plaintiff(s)

v.

Defendant(s)

- This form is used to outline the context of your exhibits for the Judicial Officer.
 - 1 Copy to be provided to Court.
 - 1 Copy to be provided for the opposing side(s).
 - Identify each party on text messages.
 - Identify the situation and date for pictures.
- Each exhibit page is counted towards your allowed 20 pages of supportive materials. (*Contracts/Rental Agreements do not count towards your 20 pages.*)
 - Label your exhibits on the bottom right corner (i.e: A, B, C, etc.)

Exhibit _____ Total Pages _____

☐ Picture ☐ Text Message(s) ☐ Other _____

Description:

Exhibit _____ Total Pages _____

☐ Picture ☐ Text Message(s) ☐ Other _____

Description:

EXHIBIT LOG

Exhibit _____ Total Pages _____

☐ Picture ☐ Text Message(s) ☐ Other _____

Description:

Exhibit _____ Total Pages _____

☐ Picture ☐ Text Message(s) ☐ Other _____

Description:

Exhibit _____ Total Pages _____

☐ Picture ☐ Text Message(s) ☐ Other _____

Description:

(ATTACH SEPARATE PAGE(S) IF NECESSARY, DO NOT WRITE ON THE BACK)

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____ (city & state) on _____ (date).

Signature Plaintiff/Defendant