



STANISLAUS COUNTY SUPERIOR COURT
Turlock Division
300 Starr Ave., Turlock, CA 95380
www.stanislaus.courts.ca.gov
(209) 530-3100

Revised 01/1/2024

SMALL CLAIMS

Defendant's Claim

This packet includes the forms to file a Defendant's Claim in a Small Claims Action.

NOTE REGARDING EXHIBITS/EVIDENCE:

Per California Rule of Court, rule 2.103, any attachments to the SC-120 must be submitted on 8 1/2 x 11 copy paper and be clearly labeled. Binder paper is not acceptable. Also, the Clerk's Office cannot receive your evidence/exhibits; however, you can bring copies of your evidence/exhibits with you to your hearing and they will be returned to you when the judge has made a decision.

All forms presented for filing must be typewritten or printed legibly in blue or black ink only. All signatures must be original.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, and on the following Websites:

- Stanislaus County Superior Court (includes local forms)
- <http://www.stanislaus.courts.ca.gov>
Judicial Council's Self-Help website and Judicial Council forms
- <http://www.courts.ca.gov>
For more information on Libraries, Websites, or Self-Help Legal Books
- <http://www.courts.ca.gov/selfhelp/lowcost/libraries.html>
California Superior Court's Interactive Electronic Forms Program

Superior Court Small Claims Division

Email: Turlock.Requests@stanct.org (for questions only – not for filings)

Hours: Please refer to our website for office hours.

PROVIDES SERVICES TO PARTIES REPRESENTING THEMSELVES:

For more information, please refer to our website:

www.stanislaus.courts.ca.gov

Email: Smallclaims.advisor@stanct.org

Telephone: (209) 530-3178

Defendant's Claim and ORDER to Go to Small Claims Court**Notice to the person being sued:**

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached, to understand the claim against you and to protect your rights.

Aviso al demandado:

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of Stanislaus
300 Starr Avenue
300 Starr Avenue
Turlock, CA 95380

Fill in case number and case name:

Case Number:

Case Name:

Order to Go to Court**The people in ① and ② must go to court :** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Plaintiff a court-stamped copy of all 3 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Case Number: _____

Defendant (list names): _____

1 The Plaintiff (the person, business, or public entity that sued first) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-120A.

Check here if any Plaintiff is on active military duty and write his or her name here: _____

2 The Defendant (the person, business, or public entity suing now) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-120A.

Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

3 The Defendant claims the Plaintiff owes \$ _____ . (Explain below):

a. Why does the Plaintiff owe the Defendant money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) _____

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.



Case Number: _____

Defendant (list names): _____

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes No

5 Is your claim about an attorney-client fee dispute? Yes No
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity? Yes No
If yes, you must file a written claim with the public entity first. A claim was filed on (date): _____
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 Have you filed more than 12 other small claims within the last 12 months in California? Yes No If yes, the filing fee for this case will be higher.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: _____ Defendant types or prints name here  Defendant signs here

Date: _____ Second Defendant types or prints name here  Second Defendant signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



Need help?

Your county's Small Claims Advisor can help for free.

Or go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

Case Number: _____

This form is attached to Form SC-120, item 1 or 2.

1 If more than 2 plaintiffs (person, business, or public entity being sued), list their information below:

Other plaintiff's name: _____
Street address: _____ Phone: (____) _____
City: _____ State: _____ Zip: _____
Mailing address (if different): _____
City: _____ State: _____ Zip: _____

Other plaintiff's name: _____
Street address: _____ Phone: (____) _____
City: _____ State: _____ Zip: _____
Mailing address (if different): _____
City: _____ State: _____ Zip: _____

Check here if more than 4 plaintiffs and fill out and attach another Form SC-120A.

2 If more than 2 defendants (person, business, or public entity suing), list their information below:

Other defendant's name: _____
Street address: _____ Phone: (____) _____
City: _____ State: _____ Zip: _____
Mailing address (if different): _____
City: _____ State: _____ Zip: _____

Is this defendant doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Other defendant's name: _____
Street address: _____ Phone: (____) _____
City: _____ State: _____ Zip: _____
Mailing address (if different): _____
City: _____ State: _____ Zip: _____

Is this defendant doing business under a fictitious name? Yes No If yes, attach Form SC-103.

Check here if more than 4 defendants and fill out and attach another Form SC-120A.

3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____ *Type or print your name*  *Sign your name* _____

Date: _____ *Type or print your name*  *Sign your name* _____

What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for;
- When and where the trial will be; *and*
- What the party can choose to do.

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*
- Form SC-500, *Plaintiff’s Claim (COVID-19 Rental Debt)*

How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

Who can serve?

You can ask a friend, a process server, or the sheriff. The server must be at least 18 and not listed in the case. A “process server” is someone you pay to deliver court forms. Look in the *Yellow Pages* under “Process Serving.” The sheriff (or marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [*name of person to be served*].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

What does the server do with the original Proof of Service form?

If a process server or sheriff served the papers, he or she can file form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

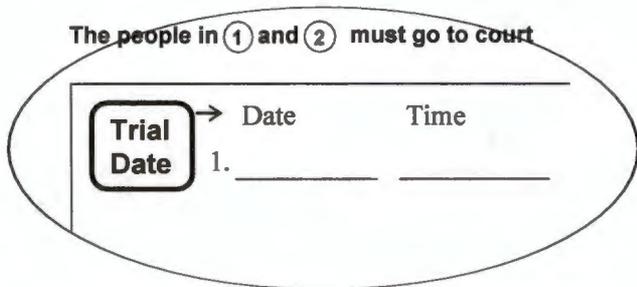
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

When do the court forms have to be served?

- **If you are serving form SC-100, *Plaintiff’s Claim*, or form SC-500, *Plaintiff’s Claim (COVID-19 Rental Debt)***, look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving form SC-120, *Defendant’s Claim***, look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

What if I can’t get the court papers served before the trial?

If you were not able to serve your claim (form SC-100, SC-120, or SC-500) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other plaintiffs and defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:
Lee Smith, owner and driver

If the owner and driver are not the same person:
Lee Smith, owner and driver
Bob Smith, owner

If you are suing a business, an association, or a public entity, read form SC-104C, *How to Serve a Business*.

? Need help?

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at www.courts.ca.gov/selfhelp-smallclaims.htm

SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the public agency and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

	City, County, or Public Entity	State of California, State Agency	Federal Agency
Serve:	City or county clerk, chief officer or director of public agency, or agent authorized to accept service	Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814 <i>Exception:</i> if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814	<i>You cannot sue a federal agency in small claims court.</i>
	Important! <i>Before you sue, you must first file a claim with the public entity. Contact it and ask for the claim procedures.</i>	Note: <i>Before you sue, you must first file a claim with the state or the state agency. To file a claim, see:</i> www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx or call: 1-800-955-0045	
Write on your Proof of Service form:	<ul style="list-style-type: none"> Name of city, county, or public entity Name of city clerk, county clerk, chief officer, or agent for service and job title 	<ul style="list-style-type: none"> Name of the agency you are suing Name of agent for service 	
Check that you have the exact names of the owner and business with:	Call the city or county clerk. See the government pages of your phone book. Or search under the California Roster at the California Secretary of State website: www.sos.ca.gov/administration/california-roster/	Call the agency to confirm the name and address for service. Use the State Directory: 1-800-807-6755 Or search: cold.ca.gov under "agency information"	



Need help? For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at: www.courts.ca.gov/selfhelp/smallclaims

SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, form SC-104.

Business Type:	Sole Proprietorship (Only 1 owner)	Partnership	Landlord	Corporation, Association	Limited Liability Company (LLC), Limited Liability Partnership (LLP), Limited Partnership (LP)	Unknown Business Type
Serve:	The owner	If you are suing a partnership , serve one of the partners. If you are suing a partnership and the partners, serve each partner.	The property owner or manager (<i>Read Civil Code sections 1962–1962.7.</i>)	Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary, treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager	Agent for service listed with Secretary of State To serve a limited partnership, you can also serve the general partner.	Someone who seems to be in charge of the business during normal business hours
Write on your Proof of Service form:	<ul style="list-style-type: none"> • Business name • Owner's name and job title 	<ul style="list-style-type: none"> • Partnership name • Name of partner, general manager, or agent for service and job title 	<ul style="list-style-type: none"> • Business name (if there is one) • Owner's name and job title 	<ul style="list-style-type: none"> • Corporation name • Name of corporate officer or agent for service and job title 	<ul style="list-style-type: none"> • Company or partnership name • Name of agent or partner for service and job title 	<ul style="list-style-type: none"> • Business name, form unknown • Owner's name and job title (<i>if you know it</i>)
Check that you have the exact names of the owner and business with:	<ul style="list-style-type: none"> • County Clerk–Recorder's or County Tax Assessor's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: www.csac.counties.org. • City Clerk's Office (Ask to see the business license.) Your city's website may have this information. 		County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State website: businesssearch.sos.ca.gov/ Or call: 1-916-657-5448 OR County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's website may have this information. OR City Clerk's Office: (Ask to see the business license.) Your city's website may have this information.	Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship.	



Need help? For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at: www.courts.ca.gov/selfhelp/smallclaims

SC-104

Proof of Service

Use this form to serve a **person**, a **business**, or a **public entity**. To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

- Clerk (of a city or county)
- Chief officer or director (of a public agency)
- Any person authorized for service by the entity

1 a. If you are serving a **person**, write the person's name below:

b. If you are serving a **business** or **entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

Business or Agency Name

Person Authorized for Service

Job Title

2 Instructions to Server:

You must be at least 18 years old and **not be named in this case**. Follow these steps:

- Give a copy of all the documents checked in 3 to the person in 1, **or**
 - Give a copy of all the documents checked in 3 to one of the following people:
 - a. A competent adult (at least 18) living with, and at the home of the person in 1, **or**
 - b. An adult (at least 18) who seems to be in charge at the usual workplace of the person in 1, **or**
 - c. An adult (at least 18) who seems to be in charge where the person in 1 usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in 1.
- and** mail a copy of the documents left with one of the adults in a, b, or c above to the person in 1.

THEN

- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, **in time for the form to be filed with the court at least 5 days before the hearing.**

3 I served the person in 1 a copy of the documents checked below:

- a. SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b. SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c. Order for examination (*This form must be personally served. Check the form that was served*):

Note: The court can issue a civil arrest warrant if the served party does not come to court **only** if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.

- (1) SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*
- (2) AT-138/EJ-125, *Application and Order for Appearance and Examination*

d. Other (specify): _____

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of Stanislaus
300 Starr Avenue
Turlock, CA 95380

Fill in case number, case name, hearing date, day, time, and department below:

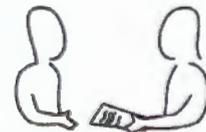
Case Number:

Case Name:

Hearing Date:

Time:

Dept.:



Case Number: _____

Case name: _____

4 Fill out "a" or "b" below:

a. **Personal Service:** I personally gave copies of the documents checked in ③ to the person in ①:

On (date): _____ At (time): _____ a.m. p.m.

At this address: _____

City: _____ State: _____ Zip: _____

b. **Substituted Service:** I personally gave copies of the documents checked in ③ (a, b, or d) to (check one):

A competent adult (at least 18) at the home of, and living with the person in ①, or

An adult who seems to be in charge where the person in ① usually works, or

An adult who seems to be in charge where the person in ① usually receives mail, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in ①.

I told that adult, "Please give these court papers to (name of person in ①)."

I did this on (date): _____ At (time): _____ a.m. p.m.

At this address: _____

City: _____ State: _____ Zip: _____

Name or description of the person I gave the papers to: _____

After serving the court papers, I put copies of the documents listed in ③ in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in ① at the address where I left the copies.

I mailed the envelope on (date): _____ from (city, state): _____

by leaving it (check one):

a. At a U.S. Postal Service mail drop, or

b. At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, or

c. With someone else I asked to mail the documents to the person in ①, and I have attached that person's completed Form SC-I04A.

5 Server's Information

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Fee for service: \$ _____

If you are a registered process server:

County of registration: _____ Registration number: _____

6 I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: _____

Type or print server's name

▶ _____
Server signs here after serving