

FRESNO COUNTY SUPERIOR COURT • STATE OF CALIFORNIA

PROOF OF SERVICE PACKET

SMALL CLAIMS DEPARTMENT

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

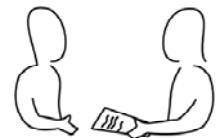
d. [] Other (specify): _____

Clerk stamps date here when form is filed.

Fill in court name and street address: Superior Court of California, County of

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-104A.

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

- This form is attached to Form SC-104. Use this form ONLY if you mailed the documents in ① and someone else personally gave them to the person, business, or public entity served.

Notice to Server

You must:

- Be at least 18 and **not listed in this lawsuit.**
- Fill out ①–⑥ of this form and attach it to Form SC-104.

① Documents served by mail:

- 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. Other (*specify*): _____

② Name and address of the person, business, or public entity served:

- a. If you served a **person**, write the person's name and address below:

Name: _____

Address: _____
Street City State Zip

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

Business or Public Entity Name	Person Authorized for Service	Job Title
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Address: _____
Street City State Zip

- ③** I put copies of the documents listed in ① above in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person, business, or public entity listed in ② and mailed the envelope by leaving it at (*check one*):

- a. A U.S. Postal Service mail drop *or*
- b. An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.


- ④** I mailed the envelope:

a. On (*date*): _____ b. From (*city, state*): _____

- ⑤** My address is: _____

- ⑥** I declare, under penalty of perjury under California State law, that the information above is true and correct.

Date: _____

Type or print server's name
 _____
Server signs here after mailing

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*

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.

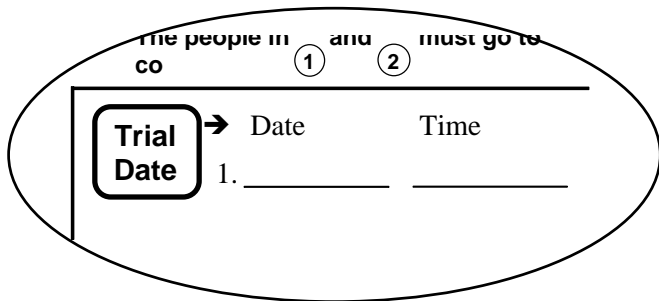
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

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,** 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 or SC-120) 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:

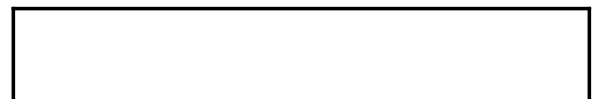
Lee Smith, owner and driver

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.courtinfo.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
	<p>Server: The owner</p>	<p>If you are suing a partnership, serve one of the partners.</p> <p>If you are suing a partnership and the partners, serve each partner.</p>	<p>The property owner or manager (<i>Read Civil Code sections 1962–1962.7.</i>)</p>	<p>Agent for service listed with Secretary of State or any corporate officer (president, vice-treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager</p>	<p>Agent for service listed with Secretary of State</p> <p>To serve a limited partnership, you can also serve the general partner.</p>	<p>Someone who seems to be in charge of the business during normal business hours</p>
<p>Write on your Proof of Service form:</p> <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 (if you know it) 	
<p>Check that you have the exact names of the owner and business with:</p>	<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 Web site may have this information. 	<p>County Tax Collector</p>	<p>Search under Corporation, LP and LLC at the California Secretary of State Web site: www.ss.ca.gov/business</p> <p>Or call: 1-916-657-5448</p> <p>OR</p> <p>County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's Web site may have this information.</p> <p>OR</p> <p>City Clerk's Office: (Ask to see the business license.) Your city's Web site may have this information.</p>	<p>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.</p>		



Need help?

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

[\[space for local info here\]](#)

Or, go to "County-Specific Court Information" at: www.courtinfo.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 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	You cannot sue a federal agency in small claims court.
	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: www.boc.ca.gov/govclms.htm Or call: 1-800-955-0045</i>	
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 agency and agent for service 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 Web site: www.ss.ca.gov/executive	Call the agency to confirm the name and address for service. Use the State Directory: 1-800-807-6755 Or search: www.cold.ca.gov under "agency information"	



Need help?

For free help, contact your county's Small Claims Advisor:
[space for local info here]

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