

HOW SMALL CLAIMS AND ENFORCEMENT OF JUDGMENT BOTH WORK IN CALIFORNIA

An Informational Publication by James F. Polk

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IMPORTANT DISCLAIMER

This publication is for informational purposes only and does not constitute legal advice. The author is not an attorney and cannot give legal advice. If you need legal advice, please consult a licensed attorney.

My name is James F. Polk. I began my career as an LA County Individual LDA Registrant (#2017038148), a bonded and registered Legal Document Assistant. That foundation in document preparation and self-help legal services led me to build DocupletionForms.com, a platform designed to help everyday people navigate the court process more easily. I am no longer actively registered as an LDA. I cannot give legal advice. I provide informational content and alternative legal service provider contract paralegal services for attorneys only.

PART ONE

How Small Claims Works in the State of California

About This Publication

If you need more information, there are more resources available at www.DocupletionForms.com. This publication is free to anyone who would like to read it.

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Common California Small Claims and Enforcement of Judgment Forms

The following is a list of the most common California Small Claims and Enforcement of Judgment Forms. All required forms can be found at www.courts.ca.gov/forms.htm or at www.courts.ca.gov under the Forms & Rules tab. A brief explanation of when to use each form is included below, along with notes when helpful.

It is always advisable to search Google or your preferred search engine for “[name of county in which you intend to file] local small claims court forms” to see if your County has any county-specific forms.

Small Claims, Enforcement of Judgment, Wage Garnishment and Miscellaneous Forms are listed below in approximate chronological order of when they become useful.

**There are many more forms than these. The rest can be found at: <http://www.courts.ca.gov/forms.htm>*

- SC-100-INFO: A brief 2-page explanation of how small claims works in CA.
- SC-100: Plaintiff's Claim and Order to Go to Small Claims Court. Required for all initial Plaintiffs.
- MC-031: Attached Declaration. A very versatile form, used in addition to the SC-100 to add a description of pertinent events, elements of your claim, and witness statements.
- SC-100A: Other Plaintiffs or Defendants (Small Claims). One is required for each additional two Plaintiffs beyond the initial two.
- SC-101: Attorney Fee Dispute (After Arbitration). For suing a former Attorney over a fee dispute.
- SC-103: Fictitious Business Name Statement Form for Small Claims Plaintiffs who do business in CA under a fictitious business name.
- SC-104: Proof of Personal Service (Small Claims)
- SC-104A: Proof of Mailing (Substituted Service) (Small Claims)
- SC-104B: What is “Proof of Service” (Small Claims)
- SC-104C: How to Serve a Business or Public Entity (Small Claims)
- SC-120: Defendant's Claim and ORDER to Go to Small Claims Court. Use this form if you as a Defendant want to sue the Plaintiff who is suing you.
- SC-120A: Other Plaintiffs or Defendants. Attached to Form SC-120. One SC-120A is required for each 2 Plaintiffs or Defendants beyond the initial 2.

- SC-107: SMALL CLAIMS SUBPOENA. For personal appearance and production of documents at trial or hearing.
- SC-109: Authorization to Appear. Filed to inform Court you are authorized to appear on behalf of a Plaintiff or Defendant.
- SC-200: Notice of Entry of Judgment. This form tells you the Court's Decision in your Small Claims Case and sets the deadlines for enforcement and appeals.
- SC-200-INFO: What to Do After the Court Decides Your Small Claims Case. Gives you the basics of Enforcement of Judgment.
- SC-135: Notice of Motion to Vacate Judgment and Declaration. Either party can file within 30 days after the SC-200 is mailed/handed to them. If service of process was not completed properly, the Defendant/Judgment Debtor has 180 days to file this form.
- SC-140: Notice of Appeal (Small Claims cases are appealed above the SC Court in the Superior Court).
- EJ-001: Abstract of Judgment – Civil and Small Claims. Filed to place a lien on the Judgment Debtor's real property. File at the Courthouse, then file at the County Recorder's Office in each county where you wish to place a lien.
- SC-145: Request to Pay Judgment to Court. A Judgment Debtor can request to pay the judgment to the court rather than directly to the Creditor.
- SC-220: Request to Make Payments. You can request that the Court grant permission to make payments in installments.
- EJ-165: Financial Statement. Must be filed concurrently with the Request to Make Payments (SC-220).
- SC-290: Acknowledgement of Satisfaction of Judgment. File once you have been paid (if no Abstract of Judgment has been filed).
- EJ-100: Acknowledgement of Satisfaction of Judgment. File once paid if an Abstract of Judgment (EJ-001) has been filed.
- EJ-190: Application for and Renewal of Judgment. Must be done before the Judgment expires. Judgments in California expire every 10 years.
- EJ-195: Notice of Renewal of Judgment. Must be personally served on the debtor or served by first-class mail.
- SC-133: Judgment Debtor's Statement of Assets.
- SC-134: APPLICATION AND ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION. File if a Judgment Debtor does not return the required SC-133.
- EJ-125 / AT-138: ORDER TO APPEAR FOR EXAMINATION. File if a Judgment Debtor has returned the SC-133 but you need a formal examination.
- EJ-141: APPLICATION AND ORDER TO APPEAR FOR EXAMINATION – CONSUMER DEBT. New form (effective 2025) used instead of EJ-125 in consumer debt cases.
- EJ-130: Writ of Execution/Possession/Sale. One of the main Enforcement of Judgment documents.
- WG-001: APPLICATION FOR EARNINGS WITHHOLDING ORDER. File to garnish a Judgment Debtor's wages.
- FW-001: Request to Waive Court Fees. File if you can demonstrate sufficient financial hardship.

The Small Claims Process

Before anything else, it is essential to understand that a Small Claims Plaintiff must first demand payment or equitable relief from the defendant before suing in Small Claims Court. It is mandatory that you notify someone they owe you money before you file a claim. A written Demand Letter sent before filing demonstrates good faith and is required in California Small Claims.

Consider consulting with an attorney before filing a Small Claims Lawsuit. An attorney can advise you on whether your matter is best suited for Small Claims Court, Limited Civil Court, or Unlimited Civil Court. There are quite a few reasons why speaking with an attorney first is beneficial.

Updated Monetary Limits (Effective January 1, 2024 – SB 71)

Important update: As a result of Senate Bill 71 signed into law in October 2023 and effective January 1, 2024, the jurisdictional limits for small claims court in California have been raised:

- Individuals (natural persons), including sole proprietors: up to \$12,500 (previously \$10,000)
- Businesses, corporations, partnerships, and other entities: up to \$6,250 (previously \$5,000)
- You may file an unlimited number of claims for \$2,500 or less per year
- You may file no more than two claims per calendar year for amounts over \$2,500

If you are attempting to file a claim for over \$2,500 and have already filed two such claims in that calendar year, your options are to reduce your claim to under \$2,500 or file in Limited Civil Court instead. Limited civil cases are now those with amounts in controversy up to \$35,000 (raised from \$25,000 under SB 71).

Filing Fees

The filing fee in Los Angeles County ranges from approximately \$30 for claims up to \$1,500, to \$75–\$100 for claims approaching the jurisdictional limit. If you are filing your 13th or higher small claim during a calendar year, there is an increased filing fee of \$100 per claim. You can also apply to the court for a fee waiver using form FW-001. The California Courts Self-Help page on fee waivers is at: <http://www.courts.ca.gov/selfhelp-feewaiver.htm>.

Types of Relief Available

There are 4 types of equitable remedy available in California Small Claims Court: Rescission, Reformation, Restitution, and Specific Performance. If seeking equitable remedy, ensure the value does not exceed \$12,500 for an individual or \$6,250 for a business.

Service of Process

After filing and before your court hearing, you must properly serve the defendant — meaning you must notify the person you are suing about the lawsuit, the hearing date, time, and location. There are three main routes:

- Hiring a Process Server (most reliable, typically around \$65)
- Having the court provide service via certified mail
- Having a non-party adult (age 18+) personally serve the documents

No matter which method you choose, you must provide proof of service to the court at least 10 days before trial using an SC-104 form. If you do not properly serve the other side, the judge will not hear your case.

Someone must give each defendant a true copy of the SC-100 at least 15 days before the hearing if the defendant lives in the county where the claim is filed, or at least 20 days before the hearing if the defendant lives outside that county. Add 10 days to those requirements if substituted service was used.

One pitfall of court clerk service via certified mail is that if no one signs for the mail, service must be done again. A Process Server will alert you promptly if an address is wrong, making them the most practical choice despite the cost.

Before Your Day in Court

Small claims court hearings are very brief, typically 5–10 minutes. Prepare thoroughly: bring photographs, bills, receipts, contracts, and any written agreements. Talk to any witnesses in advance.

If a witness cannot attend, you can have them sign a written “declaration.” It should end with: “I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was signed on [date] at [location].” If the witness lives out of state, have the declaration notarized.

If your case involves a technical issue, consider retaining an expert witness. The judge can also appoint or consult an expert.

If a witness refuses to appear voluntarily, you can subpoena them using Form SC-107 (Small Claims Subpoena).

On the Day of Court

Be respectful and matter-of-fact. Always address the Judge as “Your Honor.” Do not interrupt and do not argue directly with the other party. Simply explain your case and let your evidence speak. Stick to the facts and answer the questions the judge asks.

Do not bring a long narrative of past conflicts. Be organized and concise. The judge will base their decision on the law applied to the facts as presented.

If you are not fully comfortable speaking and understanding English, bring a qualified interpreter. The court may not be able to provide one.

After the Hearing

The judge may issue a decision at the hearing or mail it to you later (sometimes up to a month or more). The defendant can file an appeal within 30 days of the decision. If no valid appeal is filed, the decision becomes final.

The plaintiff cannot appeal the decision on their own claim, but can appeal a defendant’s cross-claim. If there is an appeal, it is held in Civil Court, where attorneys are allowed.

If you win, the defendant may not pay voluntarily. The court cannot collect for you — you must enforce your judgment. That process is covered in Part Two of this booklet.

Mediation as an Alternative

Mediation is often a good choice when you want to preserve a relationship with the other party. In mediation, both parties meet with a neutral mediator to try to reach a compromise. Mediation is not binding, but if both parties agree to a settlement, you can file a request for dismissal (CIV-110). Filing without prejudice keeps your option open to initiate a new claim if the other party later breaches the settlement.

Small Claims Court Advisor Services

Free assistance is available through your county's Small Claims Advisor or Self-Help Center. Advisors can help you understand the process, explore mediation, find a mediator, and fill out forms. Visit: www.courts.ca.gov/selfhelp for more information and links to your local court.

PART TWO

How Enforcement of Judgment Works in the State of California

General Information on Enforcement of Judgment

80% of all Small Claims Judgments go unenforced. Why? Because it is the responsibility of the judgment creditor — you, the winner — to enforce the judgment the court gives you. The court will not do it for you. This booklet will help you understand the tools available, but consulting a licensed attorney is always advisable for complex situations.

The purpose of this section is to familiarize you with the Enforcement of Judgment process in the State of California. Most of this information and more can also be found on the California Court's Self-Help website at <http://www.courts.ca.gov/1014.htm>.

California Judicial Council Enforcement of Judgment forms are labeled EJ (Enforcement of Judgment) or WG (Wage Garnishment). These are the forms you will use to compel your judgment debtor to pay what they owe.

Important Recent Changes to Enforcement of Judgment Law

Debtor Examination Notice Period (Effective January 1, 2024 – AB 1119): The time a judgment creditor must provide to a judgment debtor before a debtor's examination has been extended from 10 days to 30 days. You must now personally serve the debtor with the examination order at least 30 days before the scheduled examination.

Consumer Debt Examinations (Effective January 1, 2025 – AB 1119): For judgments concerning consumer debt (obligations primarily for personal, family, or household purposes), a judgment debtor may now file a financial affidavit under penalty of perjury in lieu of appearing in person for the examination. If the debtor files this affidavit (using new Judicial Council form EJ-141), the court will cancel the examination unless the judgment creditor timely files a motion showing good cause for requiring in-person appearance. Additionally, courts are prohibited from issuing a warrant for the arrest of a judgment debtor in consumer debt cases based solely on failure to appear. Note: This does NOT apply to debts arising from tortious conduct, fraud, unpaid wages, or unpaid rent.

Wage Garnishment and Bank Levy Changes (AB 2837, effective 2025): New requirements have been introduced for judgment creditors seeking wage garnishments and bank levies, including additional steps to verify a judgment debtor's address and provide notice of enforcement. New mandatory statewide levy forms SER-100 and SER-100A must be used when submitting levies (other than wage garnishments). There are also new limits on the time period during which an earnings withholding order may be enforced and the frequency with which it may be sought. Financial institutions are now required to protect cumulatively exempt funds held across multiple accounts.

Step One: Locate Your Judgment Debtor

Since you probably just received a judgment against this person, you likely have at least a starting address. If you have an older judgment and are only beginning the enforcement process now, you may need to do more searching.

If your debtor is a business, you can often find their address on their website, in phone directories, or through the California Secretary of State's office if they are incorporated. Local sole proprietors may have a fictitious business name statement on file with the County Clerk's Office.

If you do not have a good current address, consider skip tracing. Think about mutual acquaintances, former neighbors, or business associates who might know the debtor's location. When contacting such people, be careful: under the Fair Debt Collection Practices Act, you may not mention the debt — you may only state that you are trying to locate the individual. A sample script: "Hello, I am looking for [name]. Do you happen to know where they moved or if they left a forwarding address?"

You can also hire a professional skip tracer or private investigator. Various online people-locator services exist as well. Public social media profiles can sometimes reveal a person's whereabouts, but do not send friend requests or otherwise attempt deceptive contact.

Determining the Amount Owed

You are owed not only the original judgment amount, but also interest and your collection costs. Interest accrues from the date of judgment at 10% simple interest per year. The formula is:

$$((\text{Judgment Amount}) \times 0.10) \div 365 \times (\text{Number of days since judgment})$$

To this, add your collection costs. The San Diego Court's online judgment calculator is a helpful tool: <http://ijcalc.sdcourt.ca.gov/Default.aspx>. Once you have calculated interest, payments made, and costs, update the court using a Memorandum of Costs After Judgment (MC-012).

If you renew your judgment before it expires (every 10 years), any unpaid interest is recast into the new principal amount, and interest then accrues on that new total at the same 10% simple interest rate.

Research Your Debtor's Assets

Before beginning enforcement, form a picture of what assets the judgment debtor has. Start with real estate: check the County Clerk/Recorder/Assessor website in the county where the debtor resides. Many counties have a Property Information Management System (PIMS). Search by the debtor's name for property ownership, other recorded judgments, and any prior addresses.

If you locate property owned by the debtor, you can file an Abstract of Judgment (EJ-001) in that county to create a lien on all real property the debtor owns in that county. You may file in as many counties as needed.

A recorder's search may also reveal other judgment creditors. You can subpoena business records from other creditors (such as a credit application) to discover bank account information, employer details, and current addresses. Be aware that this tactic puts the debtor on notice and may cause them to move assets.

The Debtor's Examination

One of the most traditional ways to discover assets is to petition the court for a debtor's examination. You file form AT-138/EJ-125 (Application and Order to Appear for Examination). In consumer debt cases (for judgments entered on or after January 1, 2025), use the new form EJ-141 instead.

Reminder: You must now serve the examination order on the debtor at least 30 days before the scheduled examination date (changed from 10 days, effective January 1, 2024).

If the judgment debtor shows up (which they usually will once properly served), you may ask about every conceivable type of asset under penalty of perjury: savings accounts, checking accounts, investment accounts, employer, vehicles, real property, jewelry, boats, etc.

Bring a prepared Turnover Order with you on the day of the examination. If the debtor has cash in their wallet and refuses to disclose it, you can ask the presiding judge to sign the Turnover Order on the spot. This makes a strong impression and often leads the debtor to agree to an installment payment arrangement.

The court generally will not order a debtor to appear more than once every 120 days. Good cause (such as a false statement made in the prior examination) must be shown to schedule an examination sooner.

Important: After a debtor's examination, act quickly. File for a Writ of Execution (EJ-130) and levy bank accounts immediately, before the debtor can withdraw funds or move them to a new account.

Writ of Execution (EJ-130)

The Writ of Execution is the most versatile enforcement tool. It is required whenever you involve the Sheriff in enforcement — for bank levies, wage garnishments, till taps, keepers, and other techniques. Each writ is county-specific and valid for 6 months. You may issue as many as needed across different counties.

To complete the EJ-130, identify yourself as plaintiff and the defendant, provide the case number, type of case, county of enforcement, judgment amount, interest calculation, and any collection costs under \$100. The Court Clerk signs the writ.

Wage Garnishment

Wage garnishment (Application for Earnings Withholding Order, form WG-001) is often the most effective enforcement tool. Most judgment debtors need their jobs to survive and are unlikely to change employment simply because their wages are being garnished.

Important new limitation (AB 2837, effective 2025): New rules limit how long an earnings withholding order may be enforced and how frequently one may be sought. Consult the latest Judicial Council instructions or an attorney for current specifics.

You must use the Sheriff in the county where the employer is located. The employer completes their portion and notifies the employee. The judgment debtor is then entitled to 75% of their net wages, leaving 25% for you as the judgment creditor.

The debtor may file a Claim of Exemption. You have 10 days to file a Notice of Opposition (WG-009) with the Sheriff. Review any claim of exemption carefully — if the debtor is paying for entertainment or non-essential expenses ahead of paying you, you have grounds to oppose.

Form WG-035 (Confidential Statement of Judgment Debtor's Social Security Number) is required as a confidential supplement to wage garnishment forms. The court is directed not to publish this form publicly. Keep it secure, as it is not public record.

Bank Levy

A bank levy requires a Writ of Execution (EJ-130) and the new mandatory levy forms SER-100 and SER-100A (effective 2025), submitted to the Sheriff in the county where the bank branch is located. You typically need to provide the branch location, the last four digits of the debtor's Social Security number, the debtor's last known address, and the case number, judgment amount, and date.

You do not need to know the account number — just the branch location. The levy will hit any deposit accounts opened in the debtor's name at that branch.

Important new rule (AB 2837, effective 2025): Financial institutions are now required to protect cumulatively exempt funds belonging to the debtor across multiple accounts at the institution.

Retirement accounts are typically exempt. Social security funds deposited into an account are also generally exempt. If a debtor's only income is Social Security or a pension, a bank levy will likely yield little. Wage exemption limits also apply to bank levies when the account primarily holds paycheck deposits.

Abstract of Judgment (Real Property Liens)

To place a lien on real property, file an EJ-001 (Abstract of Judgment) with the County Recorder in each county where the debtor owns property. The abstract creates a name lien that attaches to any real estate bought, sold, or refinanced in that county.

The abstract and the underlying judgment are both valid for 10 years from the date of judgment. When you renew your judgment, you can also renew the abstract, which increases the lien amount. Mortgages are paid first; judgment liens are paid after. A homestead exemption prevents a judgment creditor from forcing a sale of the debtor's home, but it does not eliminate the lien itself.

Business Assets: Till Taps and Keepers

If your judgment debtor is a business owner, consider a till tap or keeper using the EJ-130 and a request form from the local Sheriff. A till tap requires the Sheriff to go to the business and collect any money received during an allotted period. A keeper can remain at a business for up to 48 hours; any checks written by customers are made payable to the Sheriff, and any cash added to the drawer is collected.

The presence of a Sheriff collecting money tends to make a strong impression on business owners and often motivates them to call and arrange a payment plan quickly.

Seizing Personal Property

Seizing personal property is generally a last resort due to cost and complexity. To have the Sheriff execute a writ of possession on a vehicle, for example, costs approximately \$1,500 upfront, and

then the \$3,000 vehicle exemption must be cleared before you see any proceeds. The debtor's financing must also be paid off first. Items sold at auction often go for 50% of market value or less.

That said, the threat of personal property seizure can motivate a debtor to enter a payment agreement rather than lose cherished possessions. Family heirlooms are generally exempt, as they are in bankruptcy.

Suspending the Debtor's Driver's License

If your judgment stems from an automobile accident, you can petition the DMV to suspend the judgment debtor's driver's license using form DL-30 (Certificate of Facts RE Unsatisfied Judgment). This is a powerful tool that often motivates payment.

Renewing Your Judgment

Judgments in California expire every 10 years. Use forms EJ-190 (Application for and Renewal of Judgment) and EJ-195 (Notice of Renewal of Judgment) to renew before expiration. EJ-195 must be personally served on the debtor or served by first-class mail. Renewing the judgment also allows you to recast unpaid interest into the new principal amount. Don't let your judgment expire — even a debtor with no current assets may be in a much better financial position in a few years.

Closing Note

James F. Polk began his career as a bonded and registered Legal Document Assistant in Los Angeles County, gaining hands-on experience with small claims filings, enforcement of judgment documents, and wage garnishment paperwork. That foundation gave him a deep appreciation for how difficult it can be for regular people to navigate the court system on their own.

Over time, James moved more fully into software development and alternative legal service provider contract paralegal work. That evolution led to the creation of DocupletionForms.com — a platform designed to make court document preparation more accessible to everyone. He is no longer an active registered LDA, but remains committed to educating people about their rights and the processes available to them.

James is also a judgment investor. If you have a hard-to-enforce judgment and would like to explore selling it, or if you want to explore document preparation resources, visit DocupletionForms.com or reach out by email.

I am in this business for the people.

Regards,

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