

Lewis County District Court Small Claim Appeal Instructions

This is an outline of the appeal procedures. For further information on appeals, read page 2 of the “Small Claims Information Sheet for Use in Lewis County District Court Only”.

These instructions have been written to help you through the appeal process. The party filing the appeal (appellant) must follow the rules as set forth in RCW 12.36.020-.090. You can review a copy of these statutes in the Lewis County Law Library located on the 2nd floor of the Law and Justice Building.

No appeal is permitted from a judgment where the amount claimed was less than \$250.00. No appeal shall be permitted by the plaintiff in the case where the amount claimed was less than \$1000.00.

To Appeal a Small Claims Case:

The following steps must be taken within 30 calendar days of entry of the judgment in a small claims case:

1. Complete the attached Notice of Appeal form and file the original form at the District Court. This will inform the Court you are asking for a review of your case in Superior Court.
2. File a duly executed bond approved by the District Court or post cash in a sum equal to twice the amount of the judgment and costs, or twice the amount of the controversy, whichever is greater.
3. Serve a copy of the Notice of Appeal on all other parties, and file a proof of service form with the District Court. This will inform the other involved parties that you are asking for a review of your case in Superior Court.
4. Pay the \$280.00 Superior Court filing fee, \$20 transcript fee and the \$40.00 statutory fee for preparation of the complete record on appeal. This sum of \$340.00 must be paid in cash or cashier's check, with \$60 payable to Lewis County District Court, and \$280 payable to Lewis County Clerk's Office. Personal checks are not accepted.

If you want to avoid garnishment or other collection action while the appeal is pending, you must have filed the necessary bond in the District Court. You may then move in the Superior Court to stay all further proceedings in the District Court. If the stay is granted, all further proceedings in District Court on the judgment shall be suspended.

Upon the District Court's receipt of the Notice of Appeal, bond or undertaking, and the sum of \$340.00, the District Court Clerk will immediately file in the Superior Court a copy of the Notice of Appeal, the bond or undertaking, and the Superior Court filing fee of \$280.00.

Within 14 days after the notice of appeal has been filed in a small claims case, the party appealing the decision shall cause the clerk of the District Court to file with the clerk of the Superior Court a verbatim electronic recording of the District Court trial, and any exhibits placed into evidence. The electronic recording shall be made and certified by the District Court to be correct upon the payment of the fees allowed by law.

The Clerk shall then immediately transmit the complete record to the Superior Court. The Superior Court shall then become possessed of the cause. All further proceedings shall be in the Superior Court, including enforcement of any judgment rendered.

Your case will not automatically be set for hearing in the Superior Court. You will need to initiate some type of action. And, you should be aware that all small claims appeals to the Superior Court are subject to the following provisions:

“Any mandatory Superior Court procedures such as arbitration or other dispute resolution will apply as if the cause was originally filed in Superior Court. The statute governing the trial de novo (in Superior Court) shall only apply to those cases set for trial after compliance with Superior Court procedures.” RCW 12.36.050, as amended effective June 11, 1998.

It would be best to contact either an attorney or legal aid for advice.