

## SMALL CLAIMS APPEAL INSTRUCTIONS

**WHO CAN APPEAL.** No appeal shall be permitted from a judgment of the small claims department of the District Court where the amount claimed was less than \$250 (two hundred fifty dollars). No appeal shall be permitted by a party who requested the exercise of jurisdiction by the small claims department where the amount claimed by that party was less than \$1,000 (one thousand dollars). If an appeal is filed, the Appellant is required to follow the procedures set forth in Revised Code of Washington (RCW) 12.36. The following steps must be taken within thirty days after the judgment is rendered or decision made:

1. Notice of Appeal. The party appealing a judgment or decision (Appellant) subject to this rule must file in the District Court a Notice of Appeal within 30 days after the judgment is rendered or decision made. Filing the Notice of Appeal is the only jurisdictional requirement for an appeal. This form may be obtained from the clerk of this Court and is available on the KCDC website.
2. Filing Fee. The Appellant must submit a cashier's check or money order for \$230.00, payable to the Clerk of King County Superior Court, with the Notice of Appeal, unless the Appellant is excused from paying a filing fee by the Court. The Appellant must also file the Case Assignment Designation Sheet (CADS) with the District Court. This form may be obtained from the clerk of this Court and is available on the KCDC website.
3. Notice to Superior Court. Upon the filing of a Notice of Appeal and payment of the filing fee, if required, the clerk of the District Court shall immediately file a copy of the Notice of Appeal with the Superior Court.
4. Service. The Appellant shall also, within the same 30 days, serve a copy of the Notice of Appeal on all other parties (or their lawyers) and file an acknowledgment or Declaration of Service with the District Court. This form may be obtained from the clerk of this Court and is available on the KCDC website.
5. Preparation of Record. Within 14 days after filing the Notice of Appeal, Appellant shall make necessary arrangements with the District Court to directly transmit a verbatim record of the trial, all pleadings, and exhibits from the trial, any docket or registry of action, to the clerk of the Superior Court. The Appellant must submit a \$40.00 appeal processing fee, payable to King County District Court. Upon payment of this fee, the record shall be certified and forwarded to the Superior Court. The appeal will be considered on the record received from the District Court.
6. Bond. A bond or undertaking shall be executed on the part of the Appellant, except when the Appellant is a county, city, town or school district, and filed with and approved by the District Court with one or more sureties, in the sum of \$100, conditioned that the Appellant will pay all costs that may be awarded against Appellant on appeal; or if a stay of proceedings in the District Court be claimed, except by a county, city, town or school district, a bond or

- undertaking, with two or more personal sureties, or a surety company as surety, to be approved by the District Court, in a sum equal to twice the amount of the judgment and costs, conditioned that the Appellant will pay such judgment, including costs, as may be rendered against Appellant on appeal, be so executed and filed.
7. Stay of Proceedings. Upon an appeal being taken and a bond filed to stay all proceedings, the District Court shall allow the same and make an entry of such allowance, and all further proceedings on the judgment in such Court shall thereupon be suspended; and if in the meantime execution shall have been issued, such Court shall give the Appellant a certificate that such appeal has been allowed.
  8. Release of Property Taken on Execution. On such certificate being presented to the officer holding the execution, he shall forthwith release the property of the judgment debtor that may have been taken on execution.
  9. No Dismissal for Defective Bond. No appeal allowed by the District Court shall be dismissed on account of any defect in the bond on appeal, if the Appellant, before the motion is determined, shall execute and file in the Superior Court such bond as Appellant should have executed at the time of taking the appeal, and pay all costs that may have accrued by reason of such defect.
  10. Judgment Against Appellant and Sureties. In all cases of appeal to the Superior Court, if on the trial anew in such court, the judgment be against the Appellant in whole or in part, such judgment shall be rendered against Appellant and Appellant's sureties on the bond on appeal.