

## SMALL CLAIMS- REQUEST TO MAKE PAYMENTS

### SELF-HELP FORM PACKET



SHC-SC-04 (Rev. 01/16/2024)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [www.occourts.org/self-help](http://www.occourts.org/self-help) (scroll down and click the button labeled *Contact Self-Help*), attach the PDF, and complete the online request form. Make sure to select CIVIL as the case type on the form.

First, read the court's decisions on Form SC-200, *Notice of Entry of Judgment*. It will tell you the court's judgment in this case. Then read this form. It will help you protect or enforce your rights, whether you won or lost the case.

**Warning!** You may lose important rights if you do not act within 30 days after the court handed or mailed you Form SC-200, *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

**If the court did not award you any money on a claim that you filed...** The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

**If the court ordered you to pay money...**

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

**Warning!** If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment was handed or mailed to you*, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

**After you pay the judgment in full**, you can ask the judgment creditor to file a form saying the judgment is paid. (See Form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

**If you disagree with the judgment ordering you to pay money and you went to the small claims trial**, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 2)

**If the court ordered the other side to pay you...**

You are the *judgment creditor*. You must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to [www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm).

**Important!** The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

**Ask the judgment debtor to pay you the money.** If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

**If the judgment debtor does not pay, you can find out about the debtor's income or property** that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

(Continued on page 2)



## If the court ordered you to pay money...

(continued)

**If you disagree with the judgment ordering you to pay money, and you did not go to the trial,** you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment*, **within 30 days\*** after the *Notice of Entry of Judgment and Declaration* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

*\*Exception:* If the claim against you was not properly served, you have **180 days** from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

**Unless you pay the judgment or file an appeal or a motion** as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the Notice of Entry of Judgment.

**Warning!** If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

## If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

**Once you know about the judgment debtor's income and property,** you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

**You can also put a lien on the judgment debtor's house or other real estate.** To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

**After the judgment has been paid in full,** you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

**Warning!** If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

**You may need to pay fees** to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



### Need help?

For free help, contact your county's small claims advisor:

[local info here]

Or go to "County-Specific Court Information" at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps here when form is filed.

Read page 2 before you fill out this form.

**1** I am asking for permission to pay my **small claims** judgment in payments.

My name is: \_\_\_\_\_

Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Email (optional): \_\_\_\_\_

**2** On (date): \_\_\_\_\_, the court made the decision (judgment) that:

Fill in the court name and street address:

I owe (total amount): \$ \_\_\_\_\_

To (name of party you must pay): \_\_\_\_\_

Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Email (optional): \_\_\_\_\_

**Superior Court of California, County of**

**3** I am asking for permission to make payments, instead of paying the full amount all at once, because (explain):

Fill in your case number and case name:

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-220, Item 3" at the top.

**Case Number:**  
  
**Case Name:**

**4** I ask the court to allow me to make payments on the following terms (check and complete all that apply):

a.  Payments of \$ \_\_\_\_\_, on the \_\_\_\_\_ day of each (month, week, other): \_\_\_\_\_  
Starting (date): \_\_\_\_\_, until (date of final payment): \_\_\_\_\_; amount of final payment: \$ \_\_\_\_\_

b.  Other payment schedule (specify): \_\_\_\_\_  
\_\_\_\_\_

c.  The total amount of payments is \$ \_\_\_\_\_, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if the payments are made late or early. (Attach a page that shows how you calculated the interest and write "SC-220, Item 4c" at the top.)

d.  The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e.  Other (specify): \_\_\_\_\_  
\_\_\_\_\_

**Warning!** If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign here

# Payments in Small Claims Cases

## General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Fill out form SC-220, *Request to Make Payments*. Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out form EJ-165, *Financial Statement*.
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, and a blank form SC-221, *Response to Request to Make Payments*.

The other parties will have 10 days to file a **Response**. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*:

- If, after reading the *Request*, you agree with the *Request*, you do not need to do anything.
- If you do not agree with the *Request* or you want to be paid interest, fill out and file form SC-221, *Response to Request to Make Payments*, within 10 days after the court clerk mailed the *Request* to you. (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

**To file your Response:**

- Have your *Response* served on all other plaintiffs and defendants in your case. (See form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

## Answers to Common Questions

### When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (party to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

### When can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time. If payments are not made on time, the judgment creditor can ask the court to order that the remaining balance of the judgment is due and collectible.

### Is interest added after the judgment?

Interest is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal.

When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the judgment creditor asks for interest to be included in the order allowing payments, the judgment creditor may lose any claims for interest. But if the judgment debtor does not make full payments on time, interest can be ordered on the missed payment or the entire unpaid principal.

### How do I calculate interest?

If you are asking for interest or disagreeing with a request for interest, you need to explain your interest calculation. Interest may be added to the full unpaid balance of the judgment or only to payments that were not made on time. To calculate interest, show the unpaid principal balance, the dates and number of days you want the court to allow interest on that amount, and the total interest for that period. If payments were made, you will need to make separate calculations for the reduced principal balance after each payment. For more information on the applicable rate of interest and calculating the amount of interest, see *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO).



### Need help?

For free help, contact your county's small claims advisor:

[local info here]

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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**FINANCIAL STATEMENT**  
(Wage Garnishment—Enforcement of Judgment)

**NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.**

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

	NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.			Spouse	
b.				
c.				
d.				
e.				

**2. My monthly income**

- a. My gross monthly pay is:..... 2a. \$ \_\_\_\_\_
- b. My payroll deductions are (*specify purpose and amount*):
  - (1) Federal and state withholding, FICA, and SDI. .... \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
  - (4) \_\_\_\_\_ \$ \_\_\_\_\_
- My TOTAL payroll deduction amount is (*add (1) through (4)*): ..... b. \$ \_\_\_\_\_
- c. My monthly take-home pay is (*a minus b*): ..... c. \$ \_\_\_\_\_
- d. Other money I get each month from (*specify source*):  
 \_\_\_\_\_ is ..... d. \$ \_\_\_\_\_

<b>e. TOTAL MONTHLY INCOME</b> ( <i>c plus d</i> ) .....	e. \$ _____
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**3. I, my spouse, and my other dependents own the following property:**

- a. Cash ..... 3a. \$ \_\_\_\_\_
- b. Checking, savings, and credit union accounts (*list banks*):
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
- c. Cars, other vehicles, and boat equity (*list make, year of each*):
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
- d. Real estate equity ..... d. \$ \_\_\_\_\_
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (*list separately*):  
 ..... e. \$ \_\_\_\_\_

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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**4. The monthly expenses for me, my spouse, and my other dependents**

- |   |         |  |
|---|---------|--|
| a. Rent or house payment and maintenance .....  | 4 a. \$ |  |
| b. Food and household supplies .....  | b. \$   |  |
| c. Utilities and telephone .....  | c. \$   |  |
| d. Clothing .....   | d. \$   |  |
| e. Medical and dental payments .....  | e. \$   |  |
| f. Insurance (life, health, accident, etc.) .....   | f. \$   |  |
| g. School, child care .....   | g. \$   |  |
| h. Child, spousal support (prior marriage) .....  | h. \$   |  |
| i. Transportation & auto expenses (insurance, gas, repair) <i>(list car payments in item 5)</i> ..... | i. \$   |  |
| j. Installment payments <i>(insert total and itemize below in item 5)</i> .....                       | j. \$   |  |
| k. Laundry and cleaning .....   | k. \$   |  |
| l. Entertainment .....  | l. \$   |  |
| m. Other <i>(specify)</i> :   |         |  |
|   | m. \$   |  |

n. <b>TOTAL MONTHLY EXPENSES</b> <i>(add a through m)</i> :	n. \$	
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**5. I, my spouse, and my other dependents owe the following debts:**

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY <i>(State person's name)</i>
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6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) *(describe)*: *(If more space is needed, attach page labeled Attachment 6.)*

7.  An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 *(specify each person's name and monthly amount)*:

8.  A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 *(specify each person's name and monthly amount)*:

9.  My spouse has signed below.  
 I have no spouse.  
 My spouse and I are living separate and apart.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Date:**

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF SPOUSE)

▶

\_\_\_\_\_  
(SIGNATURE)

▶

\_\_\_\_\_  
(SIGNATURE OF SPOUSE)