

## Small Claims Service

Once you have decided to file small claims, you will need the following:

- TOTAL AMOUNT OWED - rent due, property damage, stolen items, cleaning fees, etc. (Total amount cannot exceed \$6,250.00 for a business or \$12,500.00 for a natural person for Non Covid rent. Covid rent amount is unlimited for residential only)
- RECEIPTS/RENT LEDGERS/ESTIMATES/RENT ASSISTANCE
- CONTRACTS, ANY CORRESPONDENCE RELATING TO THIS MATTER.
- **PICTURES** (if applicable)

Our fee to file and serve the small claims paperwork is as follows:

Starting at \$425\*

- \*each additional defendant will be extra for process server fees
- \*If more than 12 filings per year, please call for price.
- \*\$200 and up for trial brief with small claims action.
- \*\$150 For defendant location search.

### You Must Appear At The Trial, An Attorney Cannot Represent You.

- Please keep your originals. This office will only need copies.
- You must demand payment in writing to the defendant (security disposition letter is fine).
- Demand time period is 30 DAYS.
- Once the case is filed and served, you will receive a copy of all the court forms from this office.
- Be prepared to prove your case at the trial.
- You will be given about 5 minutes to speak.
- Have all your documents in order and bring at least 3 copies of everything (1 copy for you, for the defendant, and for the judge).
- If you succeed in winning your case, a judgment will be mailed to you within 7 days. You must wait 30 days after the judgment has been entered before beginning to proceed with collections.
- After the 30 day period, this office can sub-in as your attorney of record and take over the collection for you.

Client Initial: \_\_\_\_\_

## Fax Cover Sheet

Attention: Small Claims Department

Request For New Small Claims

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_

EMAIL: \_\_\_\_\_

CELL #: \_\_\_\_\_

(sender's name, address, telephone number)

PHONE # \_\_\_\_\_ FAX# \_\_\_\_\_

RE: \_\_\_\_\_ V.

Owner/Apt. Complex Name Tenant(s) / Occupant(s)

Tenant's Email: \_\_\_\_\_

CASE # \_\_\_\_\_

Enclosed please find the following:

- Small Claims Take Sheet
- Credit Card Authorization
- Rent ledger
- Disposition of Security Deposit / Demand letter
- Other (copy of receipts, estimates)
- Proof of rental assistance application by landlord
- Move in \ move out inspection

Client Initial: \_\_\_\_\_

## Small Claims Fact Sheet

(Please type or print)

Today's Date: \_\_\_\_\_ Plaintiff's name: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Have you ever appeared at a small claims hearing? \_\_\_\_\_

How many small claims cases have you filed this year? \_\_\_\_\_

Are you aware of any specific dates that you would be unable to appear in court? \_\_\_\_\_

Defendant's name: \_\_\_\_\_ Cell # \_\_\_\_\_

Defendant's address \_\_\_\_\_

Email \_\_\_\_\_ Defendant's SS# \_\_\_\_\_

Co-defendant's name \_\_\_\_\_ Cell # \_\_\_\_\_

Co-defendant's address \_\_\_\_\_

Email \_\_\_\_\_ Co-defendant's SS# \_\_\_\_\_

City where debt occurred \_\_\_\_\_

Date of debt obligation \_\_\_\_\_

Brief reason for filing this case \_\_\_\_\_

Amount suing for: \_\_\_\_\_

If this suit is regarding rental property, what is the property address \_\_\_\_\_

\_\_\_\_\_

Vacate date: \_\_\_\_\_

Client Initial: \_\_\_\_\_

## Credit Card Authorization Agreement

ATTN: \_\_\_\_\_ TODAY'S DATE: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

Email: \_\_\_\_\_ Fax #: \_\_\_\_\_ Owners Cell \_\_\_\_\_

You Authorize charges to your Visa, MasterCard, American Express or Discover card. You will be charged for the total amount due. To receive a receipt, an email address must be provided. The charge will also appear on your credit card statement. You also agree that this card will be kept on file and used for any unpaid services.

Please complete the information below:

I \_\_\_\_\_ authorize Law Office of John E Bouzane DBA Fast Eviction Service to charge my credit card indicated below for payment.

Credit Card billing address: \_\_\_\_\_

Account Type:            Visa                    MasterCard            Discover

Cardholder Name: \_\_\_\_\_

Account Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ CVV Code\*: \_\_\_\_\_

\* (3 Digit number on back of Visa/MasterCard.)

Credit card holder: by reviewing and completing this credit card authorization form, I authorize law office of John E Bouzane dba fast eviction service to handle the entire eviction, small claims, civil and collection process and to charge my credit card listed above. I also understand that once law office of John E Bouzane dba fast eviction service has rendered services there are no refunds. I also understand that this authorization will remain in effect until I cancel in writing, and I agree to notify FES in writing of any changes in my account information or termination of this authorization at least 15 days prior. This payment authorization is for the type of bill indicated above. I certify that I am an authorized user of this credit card and that I will not dispute the payments with my credit card company.

Signed: \_\_\_\_\_

*Credit Card Holder*

Printed Name: \_\_\_\_\_

We have the right to refuse service to anyone. Due To Your Credit Card Company's Refund Policy Law Office of John E Bouzane DBA Fast Eviction Service Will Be Deducting 4% From The Total Amount Of The Refund Along With A \$50.00 Processing Fee.

Client Initial: \_\_\_\_\_

## Security Disposition Letter FAQ

Dear Valued Clients,

We would like to take the time to notify you of the California Civil Code 1950.5 Section G, which states if your tenant has paid a security deposit then no later than 21 days after the former tenant vacates, you must send an itemized statement of where the security deposit was applied.

### So, why is this so important?

If this itemized statement is not sent within the 21 days of them vacating, they may file a lawsuit against you in Small Claims Court for the deposit plus court costs. If the Judge feels you withheld the deposit in bad faith, they may allow former tenant to sue you up to 2 times the security deposit as well.

### Why does our office need a copy of this form?

To sue in small claims or get a 585 money judgment once the tenants vacate we need to be able to show the judge that this itemized statement has already been prepared and sent. Most courts will not allow us to obtain a judgment without a copy of this document filled out. If this is not done prior to the request of collections or Small Claims, it may delay your case until it is completed.

### What can you use the deposit towards?

1. For unpaid rent
2. For cleaning the rental unit back to the condition it was when former tenant first moved in.
3. For repair of damages, other than normal wear and tear caused by tenant, their animals, or tenant's guests
4. If items were stolen that were listed on the agreement to be utilized while renting the unit.

### What does the statement have to include?

You can make your own Statement or use the template we have included, but either way there is crucial information that **MUST** be included:

- The landlord must include copies of receipts for the charges the landlord incurred to repair or clean the unit.
- If there was no forwarding address provided then you must send it to the address they rented from you. This statement must be mailed certified; this will provide you with a slip proving you attempted to send it. This covers you even if you never receive the letter back.

Client Initial: \_\_\_\_\_

## Security Disposition Letter FAQ

- Cleaning fees if applicable. (only to get property back to how it was when they first moved in)
- Carpeting and drapes. You cannot charge for normal wear and tear on the carpet. If they had large rips in the carpet or permanent stains that cannot be removed that justifies a deduction on the statement.
- Repainting the walls. You want to assume that interior paint has a two-year life. For example:

• LENGTH OF STAY	• DEDUCTION
• 0-6 MONTHS	• FULL COST
• 6 MONTHS - 1 YEAR	• TWO-THIRDS THE COST
• 1-2 YEARS	• ONE-THIRD THE COST
• 2 OR MORE YEARS	• NO DEDUCTION

- Other damage to walls. For example; Large amounts of holes that require filling with plaster
- Eviction costs, attorney fees, and court costs.
- Late fees, if listed in the agreement.
- Utility bills, if the tenant had the utilities in their name and vacated the property owing a balance that the owner was required to pay to get utilities turned back on at rental unit. If utilities are in owners name, it must state in the written agreement that the tenant must pay for utilities.

An itemized statement is required to be sent to the former tenant if:

- A. Security deposit was received from tenant
- B. A portion of the deposit was used, but not all. (refund for remainder of deposit MUST be included)
- C. All of the deposit was used but no balance remains
- D. All of the deposit was used and they owe you remaining balance.

Please be advised all information came from California Department of Consumer Affairs. I have included the copy of their information about Refunds of Security deposits in case you would like an even more detailed explanation. I have also included a template for your reference of how to fill out a "Disposition of Security Deposit" form to the best of your ability.

Client Initial: \_\_\_\_\_

## Frequently Asked Questions

- My previous tenants didn't provide me with a forwarding address, where do I send the letter?
  - Eviction Address, Reference Addresses, Parents Address, Employers Address.
- How do I apply the Judgment in the Security Deposit?
  - Reference the amount however security deposits are to cover damages, repairs, replacement for the unit then apply to any unpaid rents.
- What exactly can be included in the deductions?
  - Everything from repairs, cleanup costs, dump fees, re-keying of the property, replacing broken items. (Retain receipts and pictures of entire unit with detail to the damaged areas)
- Do I send separate letters to each tenant or just one with all tenants named?
  - Sent to anyone over the age of 18, any way possible
- What if I can't afford to replace all the items right now?
  - Notate this is estimated costs and attach copies of the written estimates along with pictures
- What is "rent owed to 30 day notice" "rent owed to vacate" ?
  - All rents owed prior to any notices serviced and all rents owed up to vacate date
- If I complete the work as an owner or a manager, can I charge for my time?
  - Yes, charge for every minute. Your time is valuable and should be charged what it is worth. Back up your charges with pictures of all damages and cleanup
- Do I have to send a disposition even though the Eviction Judgment states that the "Security Deposit is Acknowledged"?
  - Yes, it is required by law. This is also proof that the deposit was spent on repairs and cleanup to your rental property.
- Why do I have to send them an accounting when they owe me money?
  - Again, it is required by law per civil code 1950.5
- What is the statute of limitation to send out this security deposit accounting?
  - You must sent out with 21 days of vacancy, mail it first class mail as well as certified mail so that you have proof of date mailed.
- What is the "daily rental rate"?
  - Monthly rental rate divided by 30
- Why can't I include all the rent up to the expiration of the lease if they vacated prior to the lease expiring?
  - You must do everything in your power to re-rent the property and be able to prove it with advertising. You may then charge up to the day you re-rent the property.
- What is "Apt Project"?
  - That would be the name of the apartment complex if applicable
- Can I just email my ex-tenants this accounting?
  - Yes you can email it but you must also first class and certified mail to the last known address.
- What is considered normal wear and tear?
  - Please refer to the California Department of Consumer Affairs regarding security deposits.

Client Initial: \_\_\_\_\_