

SMALL CLAIMS DIVISION

400 McAllister Street, Room 103
San Francisco, California 94102

INFORMATION – SERVICE OF PLAINTIFF’S CLAIM AND ORDER

1. CERTIFIED MAIL

COST: \$15.00 per Service

Service by Certified mail must be done by the Clerk’s Office; you may not mail it yourself. Certified mail can be issued by either party in a Small Claims case. The defendant does not have to sign for the certified letter. If the addressee is not at home, the postman leaves a notice that requests the party to pick up the letter at the Post Office; if the party ignores this notice, the letter will be returned to the Clerk’s Office unserved. If any party other than the named defendant or addressee signs the green certified card, or if the signature is illegible, it may not be accepted by the Court as a valid service. The final determination of whether any service is valid or not rests with the Judge who hears the matter. You should allow at least 20 days before the Court date to accomplish service by certified mail. It is impractical to attempt certified service on a P.O. Box address.

2. SHERIFF DEPARTMENT

COST: \$35.00 per Service

You can arrange to have the Sheriff of the County in which your defendant resides serve the paper. The fee is the same for every county in California. You may ask for personal or substitute service of process. It is recommended that you circle substitute service on the Sheriff’s form. Information regarding service can be obtained from the Sheriff’s Department, Civil Division. Service by the Sheriff is done Monday thru Friday from 8:00 am to 5:00 pm. Night service is on the 1st Tuesday of the month. The San Francisco Sheriff does service **only for the City and County of San Francisco**. The San Francisco Sheriff sends the original Proof of Service to the Court before the court date and mails you a copy so that you know the defendant has been served. Allow at least 20 days before the court date for the Sheriff to serve the paper.

3. DISINTERESTED PARTY OVER 18

COST: No fee required

Anyone over 18 may serve a paper and sign the Proof of Service form under penalty of perjury. The server must fill in the Proof of Service form as to the **exact name** of the party served, the address where service occurred, the date and time of service, and so on. Substitute Service may be done by the disinterested party by making an extra copy of the paper and serving it on someone over the age of 18 at defendant’s home or place of business. Get the name of the person, their relation to the defendant (wife, mother, secretary, etc.) tell them they are being served on behalf of the defendant, then mail a copy of the paper to the defendant. Fill out a Proof of Service form and file it at the Clerk’s Office; proof of service should be filed before the court hearing date. A defendant who lives in this county must be served at least 15 calendar days before the court date.* If the defendant lives outside this county, he must be served at least 20 days before the court date, when doing personal service. A defendant who lives in the county must be served at least 25 calendar days before court date; outside this county 30 days before court date; when doing substitute service.

4. PROCESS SERVER

COST: Must contact Process Server regarding costs

Professional process servers are listed in the telephone book. The Clerk’s Office **CANNOT** recommend one server over the others. The process server should return the original Proof of Service to the Clerk’s Office before the court date; he should also notify you that your party has been served.

***REMEMBER** that court costs and all serving costs should **NOT** be added to the amount of your claim. Costs for Filing and service will be awarded at the discretion of the Judge at the time of the hearing. Be sure you bring all your costs to the attention of the judicial officer.