

Instructions for service and filing

COPIES: Make 2 copies of the general denial.

SERVICE

The rules require that someone over the age of 18 and NOT a party to the lawsuit to mail the general denial to the attorney representing the plaintiff.

Have an adult friend or family member (who we will call ‘the server’) mail a copy of the general denial together with an unsigned copy of the Proof of Service. We have provided you with two copies of a blank or partially completed Proof of Service form. THE SERVER SHOULD FIRST FILL IN ANY BLANKS IN THE PROOF OF SERVICE FORM BEFORE MAILING IT. As stated above, the envelope the server mails should include both a copy of the general denial and an unsigned (but otherwise completely filled in) proof of service. After the server has put the stamped envelope in the mail he/she should sign the proof of service (with the dates filled in). Make a copy of the signed proof of service.

FILING

The clerk will want three things from you when you go to the courthouse at 191 North First Street to file your general denial:

- 1) The original denial
- 2) The original proof of service
- 3) A) a filing fee OR
B) a fee waiver application together with a proposed order

FILING FEES

The filing fees for the Santa Clara County Superior Court are as follows:

Answer - Limited Civil amount demanded under \$10,000: \$225

Answer - Limited Civil amount demanded over \$10,000: \$370

Answer – Unlimited Civil \$435

If writing a check, make it payable to “Clerk of the Superior Court”. The clerk will keep the above-referenced original documents and give you back file-stamped copies of your answer and proof of service. If you paid the filing fee, you will get a receipt. If you filed a fee waiver application, the court will mail you an order with its decision.