

FRANKLY SPEAKING

By Billy Frank

The Small Claims Court is a part of the Municipal Court and the judges of the Municipal Court sit in the same Municipal courtrooms to hear the Small Claims matters. The difference is that in Small Claims the judge hears the cases without a jury, without lawyers, and with simplified procedures. Article 117 of the Code of Civil Procedure says, "The judge may consult witnesses informally and otherwise investigate" the case. A case in the other divisions of the Municipal Court may take months or a year to be heard, but may be heard in a matter of weeks in the Small Claims Court.

The law defines a small claim as a civil case in which the claim is not over \$1,500.00 plus costs of court (such as filing fees and costs of service of summons). You may also sue in Small Claims to collect rent owed on a month to month tenancy if the amount claimed is not over \$1,500.00. Hotels may also secure a writ for possession of a room if the amount claimed is within the \$1,500 limit. You MAY NOT sue in Small Claims to settle a real property title matter; you may not ask for an injunction or restraining order; you may not foreclose on real property. In short, if what you want is cash payment of not more than \$1,500, want to represent yourself, and want speedy justice, Small Claims is the place to go.

San Diego County has an advisor who will help you with many problems. This may be done on the telephone by calling 236-2700. It is busy much of the time, but can be reached eventually. The advisor will also assist you if you have been sued in Small Claims. Much information can be obtained by calling 236-2534 for a recording. This number is easier to reach. You can determine where to file your claim by calling that number. The claim must be filed in the correct Municipal Court. For instance, if the transaction about which you are suing occurred in Vista, you must file in the Court in Vista.

To file, you pay your \$6.00 (or \$12.00 if you filed twelve cases in the last 12 months) and fill out the simple form that the Court will provide. If you have the defendant's

address, the court will serve the defendant by registered mail for \$3.00. You may, if you prefer, have the Marshall or a disinterested adult serve the papers on the defendant by personally handing them to him or her (personal service).

You must show up at the appointed time and place to prove your case. If the defendant does not appear, you may still obtain a judgement, but you will have to prove the claim. You can do this by simply testifying yourself, and showing the judge any documents or papers that prove your case. If the defendant appears, he or she may also present any proof he or she has that he or she does not owe you the money. The judge will have to decide whether the defendant owes the money, and often whether one side or the other is telling the whole objective truth. If the court thinks the plaintiff is right, it will order "judgement" for the plaintiff. The court cannot and does not order the defendant to pay you the money. Once you have the judgement, if the defendant does not voluntarily pay you, you have to figure out a way to collect the judgement. That is the main problem of Small Claims. It may take a lawyer to collect your money. Even if you know that the defendant gets paid every Friday, you still would have to get a writ to get the money. One thing you can do is get an abstract of the judgement and file it in the County Recorder's office so that it will be a lien on any real property owned by the debtor. Some of the procedures for collecting the judgement should be explained to you by the Small Claims advisor.

All the forms that you will need for pursuing your claim are available at the Court House at 220 West Broadway, downtown.

Once you have obtained your judgement, you can use an attorney to help you collect the money.

CAUTION: Even though the court has said the defendant owes you the money, you MAY NOT use self-help to take property of the defendant. You must collect your judgement only in accordance with legal procedures or you might find yourself sued for a BUNDLE.

COP SHOP

By Officer Nance Hawkins



ments in overall crime statistics. In Neighborhoods where there is a community alert, burglaries have been reduced an average of 58% while other crimes (vandalism, petty theft, etc.) have been reduced 35%.

The key to the Community Alert Program is *communication*, communication with your neighbors and communication with the Police Department when you observe what may be suspicious activity.

Another major emphasis in Community Alert Neighborhoods is *securing your home*. Over half of the burglaries that are committed, are accomplished using *little or no force*; the burglar simply removes a screen and enters through an unlocked window. Because the average burglary is accomplished in less than five (5) minutes, it is extremely important to keep your door locked at all times, particularly if you are working in the garden or an isolated area of your home.

Currently there are approximately 58 Community Alert groups in the Ocean Beach area. These neighborhood groups helped make a marked influence in crime in our area. During the year 1981, burglaries in the Ocean Beach area decreased 23% from the 1980 figures; by comparison, nationally, burglaries were up 14%.

If you are interested in forming a Community Alert Group in your block, contact me at 224-2833 or 236-7316 and I will arrange for an officer to attend your meeting.

The Community Alert Program

The San Diego Police Department has a well-organized Community Alert Program; throughout the City there are over 3,000 Community Alert Groups. These groups are easily identified by the orange and black "Criminal Beware" signs which dot the neighborhoods. Since its inception in 1977 there have been some notable improve-

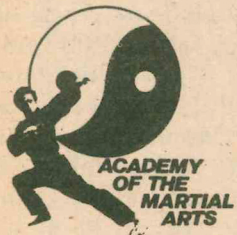
HAVE YOU SEEN AN ELECTRIC BILL LATELY?

By Ken Erhardt

San Diego Gas & Electric Company has raised its rates continually over the last decade, but the recent rate increase is a real shocker...over 30%. And the reason? SDG&E will insist that there are many reasons: oil costs so much, environmentalists and anti-nukes killed Sundesert Nuclear Power Plant plans, those same types are slowing the progress at San Onofre, and...oh yes, that little matter of losing \$30,000,000 in an oil transaction. An error in management? For sure! Who pays?

The rate payers, of course, retorts SDG&E.

No way, retorts John Garamendi, a California State Senator who has introduced legislation requiring public utilities to pass on costs resulting from errors in management to shareholders, and not to their captive audience...the customer. The Garamendi bills SB467-1469 deserve our support. Write to legislators in Sacramento urging their passage. It's one way to make corporate monopolies accountable to the public they serve.



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