

# Small Claims Settlement Agreement

Case# \_\_\_\_\_

Cross-Complaint: Yes\_\_ No\_\_

PLAINTIFF(s): ( $\pi$ ) \_\_\_\_\_DEFENDANT(s): ( $\Delta$ ) \_\_\_\_\_

The undersigned parties, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ have agreed to the following settlement of their dispute:

☐ \_\_\_\_\_ agrees to pay \_\_\_\_\_ the sum of \$\_\_\_\_\_

☐ In full on \_\_\_\_\_, 20\_\_\_\_ by: ☐ Cashier's Check ☐ Money Order ☐ Other \_\_\_\_\_

☐ In installments of: \$\_\_\_\_\_ per month.

First payment will be due on \_\_\_\_/\_\_\_\_/\_\_\_\_\_. Subsequent payments will be due on the \_\_\_\_\_ of each month

until balance is paid in full; Payments will be made by: ☐ Cashier's Check ☐ Money Order ☐ Other \_\_\_\_\_

☐ Any payment mailed will be postmarked on or before the due date.

Address of Payment Recipient: \_\_\_\_\_

**Note: In small claims cases, enforcement must be obtained by filing a *Request for Court Order and Answer*, Judicial Council for SC-105 and following procedures as described in California Rules of Court, Rule 3.2107.**

☐ **OTHER** \_\_\_\_\_

☐ Plaintiff requests dismissal **WITH** prejudice (Original case cannot be re-filed)

☐ Plaintiff party requests dismissal **WITHOUT** prejudice (Original case can be re-filed)

☐ The parties signing below further agree to accept said sum as payment in full of all his/her/their claims, with the knowledge that this Settlement Agreement bars each of them from asserting the same claims at any time in the future.

☐ The parties shall be permitted to have the Court enforce, under CCP §664.6, the terms of this Settlement should either party believe that it has not been fully performed.

THIS SETTLEMENT IS BINDING ON THE PARTIES IN COURT PURSUANT TO CALIFORNIA EVIDENCE CODE SECTION 1119. THE PARTIES ACKNOWLEDGE BY THAT THE FOREGOING TERMS ACCURATELY REFLECT THEIR SETTLEMENT AGREEMENT. THE PARTIES FURTHER AGREE TO ABIDE BY THE TERMS AND CONDITIONS SET FORTH IN THIS AGREEMENT. BY SIGNING BELOW, THE PARTIES EXPRESSLY AGREE THAT THIS WRITTEN SETTLEMENT MAY BE DISCLOSED IN A COURT OF LAW. UPON DISCLOSURE, THIS AGREEMENT MAY BE ADMITTED AS EVIDENCE AND/OR ENFORCED AS TO BE DETERMINED APPROPRIATE BY THE COURT.

Plaintiff Print Name: \_\_\_\_\_ Defendant Print Name: \_\_\_\_\_

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

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

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

Mediator Name \_\_\_\_\_ CO-Mediator Name \_\_\_\_\_