

Event	Time and Other Considerations
1 Board decides to file a Court Action (i.e., Lawsuit). This can be done simultaneously with processing an Assessment Lien	<p>Lawsuit is commenced in Superior Court (recommended course of action). Alternative is a Small Claims lawsuit. Limits on Small Claims Lawsuits are that HOA may recover only \$5,000 or less up to two times per year; \$2,500 or less otherwise.</p>
2 We prepare the Complaint. NOTE: WE ALSO PREPARE AUTHORIZATION TO APPEAR FOR MANAGER IF IN SMALL CLAIMS	<p>Complaints take approximately two weeks or less to prepare, assuming we have received an updated ledger.</p> <p>SUPERIOR COURT: Complaint may be signed by an attorney.</p> <p>SMALL CLAIMS: Complaint must be signed by board member or manager. Manager must also sign Authorization to Appear if appearing at hearing.</p>
3 We file the Complaint and give it to the Process Server for Service of Process. Time to Serve will vary.	<p>Actual filing time varies. San Diego filings can be accomplished in one or two days. Filings by mail can take up to a month (delay occasioned by Court).</p> <p>Time to Serve SUPERIOR COURT Complaint: Service must be completed within 60 days.</p> <p><i>Note:</i> If Owner cannot be served, we must apply for Order to allow Service by Publication. The application process can delay service by 30-60 days depending on Court Calendar. Service by Publication takes 28 days (4 weekly publications of Summons).</p> <p>Time to serve SMALL CLAIMS Complaint: Typically 14-21 days (depends on hearing date assigned by the Court).</p>
4 Once the Owner has been served...	<p>SUPERIOR COURT: Owner has 30 or 40 days from effective date of service to respond, depending upon method of service.</p> <p>SMALL CLAIMS: No written response required by Owner, but he must appear at hearing (typically 30 days from filing)</p>
5 If NO appearance by or response from Owner by response deadline...	<p>SUPERIOR COURT: We request default and submit prove-up package. This can be accomplished within four weeks of response deadline (Court allows up to 45 days).</p> <p>SMALL CLAIMS: Obtain Judgment at hearing. Remember, Board Member or Manager must appear at hearing; attorneys not allowed. Owner can delay hearing by requesting continuance or filing a Cross-Complaint against the Association.</p>
6 If YES appearance by or response from Owner by response deadline...	<p>SUPERIOR COURT: Court schedules Case Management Conference within 120 days of filing of responsive pleading. Trial is set approximately 6-12 months from date of original filing of the Complaint, depending upon Court's schedule.</p> <p>SMALL CLAIMS: Same as above – Obtain Judgment at hearing.</p>