



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

### JUDGMENT CHECKLIST – DEFAULT BY CLERK (CIVIL)

Case Number: \_\_\_\_\_

#### INSTRUCTIONS

This checklist is designed as a tool to assist you and the court in processing your judgment. It may not include all of the information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. If you have any questions about your legal rights, you should talk to an attorney.

All items must be completed, either by checking each box to indicate that you have filed the form, or by marking "N/A" to indicate that the item is not applicable to your case. If any documents were previously filed, please note the date next to the item on the checklist. *It would be helpful to flag or highlight the appropriate information on this checklist in the contract or declarations submitted.* Please include a copy of the completed checklist with your judgment package, as well as an envelope large enough for all documents and stamped with sufficient postage so we may return your copies.

- ☐ 1. Submit an **original Proof of Service** for all defendants to be defaulted (JC Form #POS-010).
  - ☐ a. The defendant's name, including "aka's," must match the names on the complaint.
  - ☐ b. The name and title of the person authorized to accept service on behalf of a business/entity must be indicated on the proof of service.
  - ☐ c. The Declaration of Due Diligence for substituted service must comply with SDSC Local Rule 2.1.5.
- ☐ 2. Submit a **Request for Dismissal** of "Doe" defendants, if "Does" are listed on the complaint (JC Form #CIV-110).
- ☐ 3. Submit a **Request for Entry of Default/Application for Default Clerk Judgment** (JC Form #CIV-100).
  - ☐ a. The time to answer must have expired before default can be entered.
  - ☐ b. The names of the plaintiff(s) and defendant(s), including "aka's," must match the names on the complaint.
  - ☐ c. The Declaration of Mailing must be complete.
  - ☐ d. The Declaration of Military Status must be dated within six months of filing the Request for Entry of Default.
  - ☐ e. All defendants named on the judgment have been defaulted before judgment can be entered.
  - ☐ f. All defendants **not** named on the judgment have been dismissed.
- ☐ 4. Submit a **Memorandum of Costs** (JC Form #MC-010 or CIV-100).
  - ☐ a. Evidence must be submitted to support all fees requested.
  - ☐ b. Service fees for dismissed defendants cannot be included.
  - ☐ c. For assigned debts of \$5,000 and under (*business*) or \$7,500 and under (*individual*): submit a declaration stating that a demand letter was mailed to the defendant, notifying them that they are liable for court costs (Code Civ. Proc. § 1033).
- ☐ 5. **Interest** claimed on the judgment:
  - ☐ a. If interest is included on the judgment, a declaration must be submitted indicating the rate of interest, dates used in the calculation, and total amount requested.
  - ☐ b. If the interest rate is higher than the legal rate, the contract or disclosure statement must allow for interest in excess of the legal rate.
- ☐ 6. **Attorney Fees** claimed on the judgment:
  - ☐ a. Attorney fees claimed on the judgment must comply with SDSC Local Rule 2.5.11 and Civ. Code § 1717, et seq.
  - ☐ b. If attorney fees are based on a written agreement, the contract or disclosure statement must allow for the fees.

- ☐ 7. If the judgment is based on an **Open Book Account**:
- ☐ a. Submit a declaration that states, "No written agreement exists."
  - ☐ b. Submit a ledger or the most recent invoice showing the amount due.
  - ☐ c. Late fees are not allowed.
- ☐ 8. If there is a **Written Agreement**:
- ☐ a. Submit the original contract or a copy of the contract with a declaration stating why the original contract cannot be submitted.
  - ☐ b. If the disclosure statement is submitted alone, the required activation language, "Use of your card constitutes acceptance of the terms and conditions of this statement," must exist in the disclosure statement.
  - ☐ c. A waiver of security interest must be submitted if the contract indicated a collateral or security clause involving personal property.
- ☐ 9. Include the following **Exhibit**:
- ☐ A brief summary of the case identifying the parties and the nature of the action.
- ☐ 10. If a **Fee Waiver** granted:
- ☐ The judgment must list all previously waived fees and costs on behalf of the prevailing party and order them paid to the court. This does not apply if the party being defaulted had a fee waiver.
- ☐ 11. Submit a proposed **Judgment** (*optional* – JC Form #JUD-100).
- ☐ The judgment cannot include more than the amount prayed for in the complaint.

### USEFUL RESOURCES AVAILABLE ONLINE

*With the exception of the San Diego Superior Court's website, the San Diego Superior Court does not control or maintain the websites on this list and cannot be responsible for the accuracy of the information or content they contain. In addition, the content of a website may change, and the court would not necessarily be aware of the change. When you access one of these websites, you are subject to the terms of use and privacy of that website.*

**San Diego Superior Court**

For SDSC Local Rules and forms:

[www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)

**San Diego County Public Law Library**

For hours and locations visit the Law Library website:

[www.sdcll.org](http://www.sdcll.org)

**California Rules of Court**

A link to California Rules of Court:

[www.courtinfo.ca.gov/rules](http://www.courtinfo.ca.gov/rules)

**Judicial Council**

For Judicial Council forms:

[www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

**California Courts Self-Help Center**

For legal information and the Self-Help Center:

[www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)

**California Law**

For links to 29 California Codes, including Civil Code:

[www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)