



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

JUDGMENT CHECKLIST – DEFAULT BY COURT (CIVIL)

Case Number: _____

INSTRUCTIONS

This checklist is designed as a tool to assist party(ies) with processing a 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. Legal questions should be directed to an attorney.

All items must be completed, either by checking each box to indicate that the form has been filed, or by marking "N/A" to indicate that the item is not applicable to the case. If any documents were previously filed, the date should be noted next to the item on the checklist. *It is helpful to flag or highlight the appropriate information on this checklist in the contract or declarations submitted.*

- 1. Submit an **original Proof of Service** (JC Form #POS-010) for all defendants to be defaulted.
 - a. The defendant's name, including any "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 Code Civ. Proc. § 415.20 and SDSC Local Rule 2.1.5.
 - d. A Statement of Damages must be served on all defendants in personal injury/wrongful death cases.
- 2. Submit a **Request for Dismissal** (JC Form #CIV-110) of "Doe" defendants, if "Does" are listed on the complaint.
- 3. Submit a **Request for Entry of Default/Application for Default Court 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 any "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 default judgment.
 - e. All defendants named on the judgment must be defaulted before judgment can be entered.
 - f. All defendants **not** named on the judgment must be dismissed.
- 4. Submit a **Memorandum of Costs** (JC Form #MC-010 or CIV-100).
 - a. Evidence must be submitted to support all fees and costs as requested, including service by publication fees.
 - b. Service fees for dismissed defendants cannot be included.
 - c. If the amount of damages is within the jurisdictional limits of the small claims court, a notice pursuant to Code Civ. Proc. § 1033 is required. This notice will be satisfied by a declaration stating that a demand letter was mailed to the defendant(s), notifying defendant(s) that they are liable for court costs.
- 5. **Interest** claimed on the judgment:
 - a. If interest is included on the judgment, a declaration must be submitted indicating the rate of interest, both beginning *and* end 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 must comply with SDSC Local Rule 2.5.10
 - 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. Late fees are not allowed.
- 8. If the judgment is based on a **Written Agreement**:
 - a. If the written agreement is a negotiable instrument (i.e. check or promissory note), the original document must be submitted to the court.
 - b. A waiver of security interest must be submitted if the contract has a collateral or security clause involving personal property.

9. If the judgment is submitted from a **Debt Buyer**:
- a. Submit a declaration per Civ. Code § 1788.60.
 - b. A copy of the contract or other document described in Civ. Code § 1788.52(b) must be submitted to the court.
10. Include the following:
- a. A ledger or the most recent invoice showing the amount due.
 - b. A declaration complying with Code Civ. Proc. § 585(d).
 - c. A brief summary of the case identifying the parties and the nature of the action pursuant to Cal. Rules of Court, rule 3.1800(a).
11. If a **Fee Waiver** was 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.*
12. Submit a proposed **Judgment** (*optional* - JC Form #JUD-100).
- The judgment cannot include more than the amount prayed for in the complaint.
 - The names of the plaintiff(s) and defendant(s), including any "aka(s)," must match the names on the complaint.
13. Submit an attorney service slip or self-addressed stamped envelope with sufficient postage and large enough for conformed copies to be returned.

Additional requirements and information for specific types of judgments:

14. If the judgment is based on a **Deficiency Judgment**:
- a. Submit a Deficiency Memorandum with the original signature, signed under penalty of perjury.
 - b. Submit proof of the expenses claimed on the Deficiency Memorandum.
 - c. Submit a Bill of Sale.
 - d. Submit a Notice of Intent to Sell pursuant to Civ. Code § 2983.2.
15. If the judgment is based on **Subrogation**:
- a. Submit a declaration by the plaintiff.
 - b. Submit a declaration by the insured.
 - c. Submit a copy of the demand letter, if interest is being requested.
 - d. Submit a copy of the check(s) or a computer printout showing check(s) or Electronic Funds Transfer information.
 - e. Interest is limited to 7%, starting from the date of service of a demand letter or filing of the complaint, whichever is earlier.
16. If the judgment is based on **Claim and Delivery**:
- a. Submit proof of ownership.
 - b. Submit a declaration as to the value of the property.
 - c. The judgment must include a detailed description of the property, the VIN or serial number, and state, "The proceeds of the sale of the property will be applied to the damages."
17. If the judgment is based on failure to pay **Homeowner Associations Fees**:
- a. Submit a copy of the Covenants, Conditions & Restrictions addressing the assessments, fees, and collection costs.
 - b. Submit a copy of the trust or grant deed.
 - c. Submit proof of the collection costs.

ONLINE RESOURCES

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. Access to the following websites, are subject to the terms of use and privacy of that website.

San Diego Superior Court

Local Rules and forms:
www.sdcourt.ca.gov

Judicial Council Forms

www.courts.ca.gov/forms

San Diego County Public Law Library

Hours and locations visit the Law Library website:
www.sdcll.org

California Courts Self-Help Center

www.courts.ca.gov

California Rules of Court

A link to the California Rules of Court:
www.courts.ca.gov/rules

California Law Codes

www.leginfo.legislature.ca.gov/faces/codes.xhtml