



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## JUDGMENT CHECKLIST – DEFAULT BY CLERK (CIVIL)

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

### INSTRUCTIONS

This document is designed as a tool to assist a 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.
  
- 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 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 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.
  - 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 a demand letter was mailed to the defendant(s), notifying defendant(s) 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 on the judgment 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. Submit a ledger or the most recent invoice showing the amount due.
  - c. 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. 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.*
11. 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.
12. Submit an attorney service slip or self-addressed stamped envelope with sufficient postage and large enough for conformed copies to be returned.

## 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 is subject to the terms of use and privacy of that website.*

**San Diego Superior Court**  
[www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)

**San Diego County Public Law Library**  
[www.sdcll.org](http://www.sdcll.org)

**California Rules of Court**  
[www.courts.ca.gov/rules](http://www.courts.ca.gov/rules)

**Judicial Council Forms**  
[www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)

**California Courts Self-Help Center**  
[www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)

**California Law**  
[www.leginfo.legislature.ca.gov/faces/codes.xhtml](http://www.leginfo.legislature.ca.gov/faces/codes.xhtml)