



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

JUDGMENT CHECKLIST – DEFAULT BY COURT (UNLAWFUL DETAINER – MONEY JUDGMENT)

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.*

The three most common types of judgments in an Unlawful Detainer case are:

1. Judgment for possession only (*Default Judgment by Clerk*).
2. Judgment for money only when possession is no longer at issue (*Default Judgment by Court*).
3. Judgment for possession and money (*Default Judgment by Court*).

This checklist should be used when seeking a judgment for money only when possession is no longer at issue.

- 1. Submit an **original Proof of Service** (JC Form #POS-010) for all defendants to be defaulted.
 - 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 Code Civ. Proc. § 415.20 and SDSC Local Rule 2.1.5.

- 2. Submit a **Request for Dismissal** of "Doe" defendants, if "Does" are listed on the complaint and a prior judgment for possession has not been entered (JC Form #CIV-110).

- 3. Submit a **Request for Entry of Default/Application for Default Court Judgment** (JC Form #CIV-100).
 - a. The names of the plaintiff(s) and defendant(s), including "aka's," must match the names on the complaint.
 - b. The Declaration of Mailing must be complete.
 - c. The Declaration of Military Status must be dated within six months of filing the Request for Entry of Default.
 - d. All defendants named on the judgment have been defaulted before judgment can be entered.
 - e. 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 or all unknowns if defendants vacated the property before judgment was entered cannot be included.

- 5. **3-Day, 30-Day, or 60-Day Notice** must be in the case file as an attachment to the complaint.
 - a. The premises address must match the address listed on the complaint.
 - b. At least one of the named defendants must be on the notice.
 - c. The notice must include the name, telephone number, and address of the person to whom the rent shall be paid.
 - d. If rent can be personally delivered, office hours must be listed on the notice.
 - e. An *original* Proof of Service of the notice must be filed.

- 6. Additional requirements for Unlawful Detainers in the **City of San Diego**. (San Diego Municipal Code ("SDMC") §§ 98.0701 – 98.0760.)
 - a. One of the reasons set forth in SDMC § 98.0730 must be stated in the Notice to Vacate if tenancy is more than two years.
 - b. If the property is exempt as defined under SDMC § 98.0725, the requirements do not apply.

7. **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 must allow for the fees.
 - c. A named defendant must have signed the agreement. Attorney fees will be awarded against the signing party only.
 - d. Attorney fees are not allowed on an oral agreement.
8. **Late Fees** claimed on the judgment:
- a. Late fees can only be awarded on a commercial lease if (1) the fees are included on the 3-Day or 30-Day Notice, *and* (2) the written agreement allows for them.
 - b. Late fees can be awarded against an individual in a residential tenancy if (1) a Notice of Covenant is served with the 3-Day, 30-Day, or 60-Day Notice, *and* (2) the written agreement allows for them.
9. 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 rent was increased, or the terms of tenancy were changed and the amount of rent owed is affected, a copy of the notice addressing the rent increase or terms of tenancy **and** an original Proof of Service of the notice must be submitted.
10. Submit a **Declaration** pursuant to Code Civ. Proc. § 585(d), (*optional* – JC Form #UD-116).
- a. The name of the declarant must be stated in the body of the declaration.
 - b. A statement that the declarant has personal knowledge and can competently testify must be included.
 - c. The declaration must state if the action is based on a written or oral agreement.
 - d. The declaration must include the address of the premises.
 - e. The declaration must include the rental rate and date rent is due.
 - f. The declaration must state if the defendant(s) are still in possession of the premises or the date the defendant(s) vacated.
 - g. The declaration must be signed and dated under penalty of perjury.
11. Submit a proposed **Judgment** (*optional* – JC Form #UD-110).
- The judgment cannot include more than what is 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

Local Rules and forms:

www.sdcourt.ca.gov

San Diego County Public Law Library

Hours and locations visit the Law Library website:

www.sdcll.org

California Rules of Court

A link to the California Rules of Court:

www.courtinfo.ca.gov/rules

Judicial Council Forms

www.courtinfo.ca.gov/forms

California Courts Self-Help Center

www.courtinfo.ca.gov/selfhelp

California Law Codes

www.leginfo.ca.gov/calaw.html