

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**TRIBAL COURT MONEY JUDGMENT
PACKET**



FORMS INCLUDED IN THIS PACKET

Tribal Court Money Judgment Information and Instructions	SDSC Form #CIV-398
Civil Case Cover Sheet	Judicial Council Form #CM-010
Application for Entry of Tribal Court Money Judgment	SDSC Form #CIV-399
Notice of Application for Recognition and Entry of Tribal Court Money Judgment	Judicial Council Form #EJ-115
Judgment and Notice of Entry of Tribal Court Money Judgment	SDSC Form #CIV-400



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

TRIBAL COURT MONEY JUDGMENT INFORMATION AND INSTRUCTIONS

Parties seeking to enter a Tribal Court Money Judgment must comply with the requirements of Code Civ. Proc. §§ 1714 and 1730 et seq. The process for requesting entry of a Tribal Court Money Judgment is set forth below.

1. Complete and submit the following documents to open a case: (Refer to Zip Code List (SDSC Form #ADM-254) to determine the correct location for filing):
 - Civil Case Cover Sheet (JC Form #CM-010)
 - Application for Entry of Tribal Court Money Judgment (SDSC Form #CIV-399)
 - Authenticated copy (certified or exemplified) of the original judgment
 - Notice of Application for Recognition and Entry of Tribal Court Money Judgment (JC Form #EJ-115)
 - Filing fee (*Note: The filing fee is determined by the amount of the judgment. Refer to Fee Schedule [SDSC Form #ADM-001] for current amount.*)
2. Once the case has been filed and served, complete and submit the following documents:
 - Proof of service
 - Judgment and Notice of Entry of Tribal Court Money Judgment (SDSC Form #CIV-400)

If an objection to the Notice of Application for Recognition and Entry of Tribal Court Money Judgment (JC Form #EJ-115) is not filed within 30 days of service, the clerk will enter the Judgment and Notice of Entry of Tribal Court Money Judgment (SDSC Form #CIV-400).

If an objection to the Notice of Application for Recognition and Entry of Tribal Court Money Judgment (JC Form #EJ-115) is filed, the matter will be scheduled for a hearing and notice will be provided to the parties.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
CASE NAME: _____		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: _____ JUDGE: _____ DEPT.: _____

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (*check all that apply*): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (*specify*): _____

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CIVIL, 330 W. BROADWAY, ROOM 225, SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081	
PLAINTIFF(S)	
DEFENDANT(S)	
APPLICATION FOR ENTRY OF TRIBAL COURT MONEY JUDGMENT	CASE NUMBER

Judgment creditor applies for entry of a judgment based upon a tribal court money judgment as follows:

1. Judgment creditor (*name and address*): _____

2. a. Judgment debtor (*name*): _____

b. An individual (*last known residence address*): _____

c. A corporation of (*specify place of incorporation*): _____

- Foreign corporation
- qualified to do business in California
- not qualified to do business in California

d. A partnership (*specify principal place of business*): _____

- Foreign partnership which
- has filed a statement under Corp. Code § 15800
- has not filed a statement under Corp. Code § 15800

e. A limited liability company

- Foreign company which
- has filed a statement under Corp. Code § 17060
- has not filed a statement under Corp. Code § 17060

3. a. Tribal court (*name and location*): _____

b. Judgment entered in tribal court on (*date*): _____

c. Judgment renewed on (*date*): _____

4. The following documents are attached to this application:

- a. An authenticated copy of the tribal court money judgment is attached to this application.
- b. A copy of the tribal court rules of procedure pursuant to which the tribal court money judgment was entered.
- c. A declaration under penalty of perjury by the tribal court clerk, applicant, or applicant's attorney stating, based on personal knowledge, that the case that resulted in the entry of the judgment was conducted in compliance with the tribal court's rules of procedure.

CASE TITLE	CASE NUMBER
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- 5. a. Annual interest rate allowed by tribal court (*specify*): _____
- b. Law of tribal jurisdiction establishing interest rate (*specify*): _____
- 6. a. Amount remaining unpaid on tribal court money judgment: \$ _____
- b. Amount of filing fee for application: \$ _____
- c. Accrued interest on tribal court money judgment: \$ _____
- d. Amount of judgment to be entered (*total of 6a, b, and c*): \$ _____
- 7. An action in this state on the tribal court money judgment is not barred by the statute of limitations.
- 8. I am informed and believe that the tribal court money judgment is final and no stay of enforcement is in effect.
- 9. No action is pending and no judgment has previously been entered in any proceeding in California based upon the tribal court money judgment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except as to those matters which are stated to be upon information and belief, and as to those matters I believe them to be true.

Date: _____

Type or print name

Signature

PROOF OF SERVICE

(Use separate proof of service for each person served.)

- 1. I served the Notice of Application for Recognition and Entry of Tribal Court Money Judgment and the application with all attachments as follows:
a. on respondent (name):
b. by serving judgment debtor other (name and title or relationship to person served):
c. by delivery at home at business
(1) date:
(2) time:
(3) address:
d. by mailing
(1) date:
(2) place:

2. Manner of service (check proper box):

- a. Personal service. By personally delivering copies. (CCP 415.10.)
b. Substituted service on corporation, unincorporated association (including partnership), or public entity. By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a).)
c. Substituted service on natural person, minor, conservatee, or candidate. By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b).) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
d. Mail and acknowledgment service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30.) (Attach completed acknowledgment of receipt.)
e. Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40.) (Attach signed return receipt or other evidence of actual delivery to the person served.)
f. Other (specify code section):
Additional page is attached.

3. The "Notice to the Person Served" was completed as follows:

- a. as an individual
b. as the person sued under the fictitious name of (specify):
c. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor) other:
CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
CCP 416.40 (association or partnership) CCP 416.90 (individual)

4. At the time of service, I was at least 18 years of age and not a party to this action.

5. Fee for service: \$

6. Person serving:

- a. California sheriff, marshal, or constable
b. Registered California process server
c. Employee or independent contractor of a registered California process server
d. Not a registered California process server
e. Exempt from registration under Business and Professions Code, section 22350(b)
f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only) I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081		
PLAINTIFF(S)		
DEFENDANT(S)		
JUDGMENT AND NOTICE OF ENTRY OF TRIBAL COURT MONEY JUDGMENT		CASE NUMBER

Pursuant to Code Civ. Proc. § 1736, and based on the Application for Entry of Tribal Court Money Judgment (SDSC Form #CIV-398) filed herein by _____

_____,
Judgment Creditor(s), and no objections having been received, judgment is entered in favor of said Judgment Creditor(s) and against _____

_____,
Judgment Debtor(s), in the sum of \$ _____.

See attached copy of Tribal Court Money Judgment.



Clerk of the Superior Court

Date: _____

by _____, Deputy

NOTICE OF ENTRY OF TRIBAL COURT MONEY JUDGMENT

I certify that I am not a party to the above-entitled case; that on the date shown below, I mailed the Notice of Entry of Tribal Court Money Judgment (per Code of Civil Procedure § 664.5) to the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States mail at San Diego Vista, California.

Clerk of the Superior Court

Date: _____

by _____, Deputy