



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 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.
 - d. A Statement of Damages must be served on all defendants in personal injury/wrongful death cases and subrogation cases when personal injury is alleged.
- 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 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 "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, including service by publication fees.
 - 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. 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 **Exhibits**:
- a. A ledger or the most recent invoice showing the amount due.
 - b. A declaration complying with Code Civ. Proc. § 585(d).
10. If there was 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.

Additional requirements and information on specific types of judgments:

12. 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.
13. 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 the check(s) information.
 - e. Interest is limited to 7%.
14. If the judgment is based on **Claim and Delivery**:
- a. Submit proof of ownership.
 - b. Submit a declaration of expert witness 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."
15. If the judgment is based on **Homeowner Associations**:
- a. Submit a copy of the CC & R's addressing the assessment fees and collection costs.
 - b. Submit a copy of the trust or grant deed.
 - c. Submit proof of the collection costs.

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

San Diego County Public Law Library

For 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

For Judicial Council forms:
www.courtinfo.ca.gov/forms

California Courts Self-Help Center

For legal information and the Self-Help Center:
www.courtinfo.ca.gov/selfhelp

California Law

For links to 29 California Codes, including Civil Code:
www.leginfo.ca.gov/calaw.html