

Samples

<p>1 [PAUL SAMPLE] 2 [2036 Donner Drive] 3 [Sacramento, CA 95826] 4 [916-123-4567]</p> <p>5 6 7 8 Defendant, In Pro Per</p> <p>9 10 11 SUPERIOR COURT OF CALIFORNIA COUNTY OF</p> <p>12 [PETER PLAINTIFF],</p> <p>13 Plaintiff,</p> <p>14 vs.</p> <p>15 [PAUL SAMPLE],</p> <p>16 Defendant</p> <p>17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>3 Case No.: [34-2023-00012345]</p> <p>NOTICE OF MOTION AND MOTION TO PAY JUDGMENT IN INSTALLMENTS PURSUANT TO CODE OF CIVIL PROCEDURE 582.5; POINTS AND AUTHORITIES; DECLARATION</p> <p>4 Date: [June 18, 2025] Dept/Time: [Dept. 54, 9:00 a.m.] Date Action Filed: [November 12, 2023] Date Judgment Entered: [February 16, 2025]</p> <p>5 TO EACH PARTY AND TO THE COUNSEL OF RECORD FOR EACH PARTY:</p> <p>YOU ARE HEREBY NOTIFIED THAT at the above-captioned date and time and department in the courthouse located at 813 Sixth Street, Sacramento, California, that the Defendant [PAUL SAMPLE], will move the court for an order that he/she be permitted to pay the judgment entered against him/her in monthly installments.</p> <p style="text-align: center;">i Motion to Pay Judgment in Installments</p>	<p>1. Your name, address and telephone number, In Pro Per means you are representing yourself.</p> <p>2. The parties' names as they appear in the complaint</p> <p>3. Case Number</p> <p>4. Information about the case and time and place of the motion</p> <p>5. Your name</p>
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Motion to Pay Judgment in Installments (page 1)



Pursuant to Local Rule 1.06 (A) the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

1. Your name, date, and signature

Dated: **[May 20, 2025]**

①

[PAUL SAMPLE]
Defendant, In Pro Per

2
Motion to Pay Judgment in Installments

Motion to Pay Judgment in Installments (page 2)



**Memorandum of Points and Authorities in Support of Motion to Pay
in Installments**

I. Background

On [February 16, 2025] this court entered a judgment against the Defendant, requiring him/her to pay to the opposing party \$[5,430]. The moving party is requesting that the Court allow this judgment to be paid in monthly installments.

1 Date of judgment.
2 Amount of judgment.

II. LEGAL ARGUMENT

A. Pursuant to California Code of Civil Procedure Section 582.5, the Court May Allow Any Judgment to be Paid in Installments

California Code of Civil Procedure §582.5 reads:

In a limited civil case in which the defendant has appeared, if the judgment or order is for the payment of money by the defendant, the defendant shall pay the judgment immediately or at any time and upon terms and conditions, including installment payments, that the court may prescribe. The court may amend the terms and conditions for payment of the judgment or order at any time to provide for installment payments for good cause upon motion by a party and notice to all affected parties, regardless of the nature of the underlying debt and regardless of whether the moving party appeared before entry of the judgment or order. In any determination regarding the imposition of terms and conditions upon the payment of the judgment, the court shall consider any factors that would be relevant to the determination of a claim for exemption pursuant to Chapter 4 (commencing with Section 703.010) of Division 2 of Title 9 of part 2 or the examination of a debtor pursuant to Article 2 (commencing with Section 708.110) of Chapter 6 of Division 2 of Title 9.

1 **The Court May Order Judgment Paid in Installments Whether the**
2 **Judgment Was After Appearance or By Default**

3 Although the court's ability to modify a judgment to be paid in
4 installments is available in any "civil case in which the defendant has
5 appeared," CCP § 582.5 explicitly states that upon noticed motion such relief
6 is available "regardless of the nature of the underlying debt and *regardless*
7 *of whether the moving party appeared before entry of the judgment or*
8 *order,"* (emphasis added). This statutory language unambiguously makes
9 available the ability to order installment payments after a default judgment.
10

11 A general appearance is "a voluntary appearance for any purpose
12 other than to question the jurisdiction of the court" (*See Horney v. Superior*
13 *Court In and For Santa Clara County* (1948) 83 Cal.App.2d 262). If this
14 motion seeks installments on a default judgment, the present motion to pay
15 in installments does not contest jurisdiction of the court and constitutes a
16 general appearance after entry of the judgment, a circumstance explicitly
17 anticipated by CCP § 582.5.
18

19 **The Requirement of an Appearance is Intended to Protect the**
20 **Defendant and is Consistent with the Limits Placed on Default.**

21 The requirement of an appearance before a judgment may be modified
22 to be paid in installments may seem odd, especially as modification after
23 default is clearly anticipated by the language of the statute, but the logic of
24 the statute is easily understood.
25

26 Although the legislative history is silent on the issue, CCP § 582.5 is
27 consistent with the statutes controlling limiting default judgments. Relief not
28

1 demanded in the complaint cannot be granted by default judgment, even
2 though that relief otherwise would have been proper (CCP § 580(a)- "The
3 relief granted to the plaintiff, if there is no answer, cannot exceed that
4 demanded in the complaint, in the statement required by Section 425.11, or
5 in the statement required for by Section 425.115"). This limitation is rooted
6 in the fundamental concept of fairness that a person must be notified of the
7 judgment sought before a judgment may be entered.

8 CCP § 582.5 is explicitly for a modification of the judgment. Ordering
9 installment payments would fundamentally alter the nature of the judgment,
10 and would be inconsistent with the limitation placed on default judgments in
11 cases where the defendant has not appeared, as it seeks relief not stated in
12 the Complaint. Specifically, an installment order potentially increases the
13 liability of the defendant beyond what was stated in the Complaint. If the
14 court finds that the judgment debtor has exhibited a continuing pattern of
15 failing to make the payments as specified by the court in the order, the
16 judgment debtor could be held in contempt of court and, in addition to the
17 periodic payments, be ordered to pay the judgment creditor all damages
18 caused by the failure to make the payments, including court costs and
19 attorney's fees (CCP § 667.7(b)(2)). Once an appearance is made, even if it
20 is after entry of judgment, the defendant accepts the risk of such additional
21 penalty since in "a limited civil case in which the defendant has appeared, if
22 the judgment or order is for the payment of money by the defendant, the
23 defendant shall pay the judgment immediately or at any time and upon
24 terms and conditions, including installment payments, that the court may
25 prescribe." (CCP § 582.5)



1 For the reasons explained in the attached Declaration, the moving
2 party asks that the Court issue an order permitting him or her to pay the
3 Judgment in monthly installments.

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Dated: [May 20, 2025]

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[PAUL SAMPLE]
Defendant, In Pro Per

6
Motion to Pay Judgment in Installments

Motion to pay Judgement in Installments (page 6)

DECLARATION

1. **1** I, **[PAUL SAMPLE]**, am the Defendant in this matter following in support of my motion to allow payments in monthly installments:

1. This lawsuit is a limited civil case.

2 2. On **[February 16, 2025]** the Court entered a judgment for the total amount of **[\$5,430]**.

3 3. I am asking that the court allow me to make monthly payments of **[\$200]**, per **[10th]** day of each month.

FINANCIAL INFORMATION

4. The following persons other than myself depend, in whole or in part, on me or my spouse for support: *(If you have no spouse, please indicate "None" on line 4(a))*

NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE HOME INCOME & SOURCE
a. [Sandra]	[53]	[Spouse]	[\$700, wages from Ace Mart]
b. [Myrtle]	[85]	[Mother]	[None]
c. [Sally]	[11]	[Daughter]	[None]
d.			
e.			

Additional persons are listed on Attachment 4.

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Motion to Pay Judgment in Installments

1. Your name

2. Date of judgment and amount of judgment

3. Amount you want to make your monthly payment, and day of the month you want to make your monthly payment

4. List the name, age, relationship, and income of everyone you support. If you need more room, check the box and attach a piece of paper labeled "Attachment 4."

Motion to Pay Judgment in Installments (page 7)



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5. My monthly income is:

① a. My gross (before taxes and deductions) monthly income is: **\$(2448.75)**.

b. My payroll deductions are:

Purpose	Amount
1) [FICA and SDI]	\$(289.7
2) [Medical/Dental/Vision]	\$(200
3)	\$-
4)	\$-
TOTAL payroll deductions (add lines (1) to (4))	\$(489.7

② c. My monthly take-home pay is (subtract 5(b) from 5(a)): **\$(1959)**.

③ d. In addition, I receive **\$(0)** each month from: **[none]**. (If you receive no other money, write "none.")

④ e. My TOTAL monthly income is (add 5(c) and 5(d)): **\$(1959)**.

6. I, my spouse, and my dependents own the following property:

⑤ a. Cash (this is cash, bank accounts are the next item): **\$(0)**.

b. Checking, savings, and credit union accounts (list banks):

Bank	Amount
1) [Chase Bank]	\$(35
2)	\$
3)	\$
4)	\$
TOTAL of accounts:	\$

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Motion to Pay Judgment in Installments

1. Enter your **monthly** gross pay before deductions, then list all deductions

2. Enter your **monthly** take-home pay

3. List any additional money you receive each month. This includes child and spousal support. If you receive no other money, write "none."

4. Enter your total monthly income after deductions.

5. Enter the amount of cash you have on you right now.

6. List all bank and credit union accounts, and the amount in those accounts right now.

Motion to Pay Judgment in Installments (page 8)

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c. Cars, boats, or other vehicles:

Year and make of vehicle	Equity (value minus amount owed; if negative, enter \$0.)
1) [2005 Ford Fusion]	\$(0)
2) [1997 Toyota Corolla]	\$(1275)
3)	\$

d. Real estate equity (real property you own):

Address	Equity (fair market value minus amount owed on the mortgage; if negative, enter \$0.)
1) [none]	\$
2)	\$
3)	\$

e. Other personal property of value (jewelry, furs, stocks, bonds, etc.):

Property description	Value
1) [none]	\$
2)	\$
3)	\$

7. The monthly household expenses for me, my spouse, and my other dependents is:

a. Rent or house payments and maintenance	\$(950)
b. Food and household supplies	\$(250)

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Motion to Pay Judgment in Installments

Motion to pay Judgement in Installments (page 9)



1 c. Utilities and telephone \$[225]

2 d. Clothing \$[0]

3 e. Medical and dental payments \$[0]

4 f. Insurance other than car (life, health, accident, etc.) \$[0]

5 g. School and/or child care \$[0]

6 h. Child or spousal support (prior marriage) \$[0]

7 i. Transportation & Auto expenses (gas, insurance, repairs, etc. Do not include car loan payments); \$[405]

8 j. Monthly installment payments to other creditors:

1	Creditor's Name	For	Monthly Payment	Balance Owed	Owed By
11	[Ford Motor Company]	[Car payment]	[\$399]	[\$9852]	[P...]
12	[Discover Card]	[Credit card]	[\$75]	[\$789]	[S...]
13			\$	\$	
14			\$	\$	
15	TOTAL		\$ [474]	\$ [10,641]	

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1. Enter your creditors' names, description of the debt, your monthly payment, balance owed, and which family member owes the money.

2. Continue entering monthly expenses in lines k-m, then enter total monthly expenses in line n.

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8. Other facts which support my request for monthly payments (such as unusual medical needs, school tuition, expenses for emergencies, or other unusual expenses to allow the court understand your budget):

① **[My wife Sandra has cut back to part-time work to help pay home to care for my ailing mother, who lives with us.]**

9. The following earnings withholding order(s) or wage garnishments are now in effect as to my earnings or those of my dependents:

②

Person subject to withholding order	Creditor's Name	Purpose	Monthly amount
[None]			\$
			\$
			\$
			\$

③ 10. I have attached **[0]** pages to this declaration.

④ 11. My spouse has signed below.
 I am not married.
 My spouse and I are living separate and apart.

11
Motion to Pay Judgment in Installments

1. Describe any special circumstances or expenses. If you have no unusual expenses, enter "none."
2. If your wages, or the wages of your spouse or other dependent, are currently being garnished, list the name, creditor, purpose and amount being withheld each month. If no garnishments are in place, enter "none."
3. List the number of pages you attached.
4. If you are married, and you live with your spouse, your spouse must sign this declaration. Check the appropriate box. You must check the box by hand.

Motion to Pay Judgment in Installments (sample page 11)



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

Dated: **[May 20, 2025]**

①

[PAUL SAMPLE]
Defendant, In Pro Per

I have read the foregoing declaration signed by my spouse, and I declare under penalty of perjury under the laws of the State of California that the information contained therein is true and correct as to my knowledge.

Dated: **[May 20, 2025]**

②

[SANDRA SAMPLE]
Spouse of Defendant

12
Motion to Pay Judgment in Installments

Motion to Pay Judgment in Installments (sample page 12)



1 [PAUL SAMPLE]
2 [2036 Donner Drive]
3 [Sacramento, CA 95826]
4 [916-123-4567]
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6 Defendant, In Pro Per

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9 SUPERIOR COURT OF CALIFORNIA COUNTY OF

10 [PETER PLAINTIFF],
11 Plaintiff,
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13 vs.
14 [PAUL SAMPLE],
15 Defendant

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Case No.: 34-2
[PROPOSED] ORDER FOR
JUDGMENT IN
Date: [June 18, 2025]
Dept/Time: [De
Date Action Filed: [November 12,
2023]
Date Judgment Entered: [February
16, 2025]

This matter came before this Court by noticed motion on [June 18, 2025] in Department [54], of this Court. Having reviewed the pleadings and evidence of the parties, and finding good cause, the Court orders that the judgment in this case, entered on [February 16, 2025] be payable by the Defendant(s), [PAUL SAMPLE] in monthly installments of [7] \$[200], until paid in full. Payment shall be made by the Defendant to the Plaintiff on or before the [10th] of each month, beginning with [March 10, 2025] and continuing until [30] monthly payments are made, with one final monthly

You must indicate **how many months** you will be making payments, and the **total amount you will be paying, including 10% annual interest**. The final month's payment will likely be different than your previous monthly payments. You can use an online calculator such as www.miniwebtool.com/loan-payoff-calculator to calculate number of payments and final payment amount.

Proposed Order to Pay Judgment in Installments (sample page 13)

1. Your name, address and telephone number. In Pro Per means you are representing yourself.
2. The parties' names as they appear in the complaint
3. Case Number
4. Information about the case and time and place of the motion (both places)
5. Date of judgment
6. Your name
7. Installment amounts and due date
8. Date of first payment and number of total payments



1 payment of \$[182]. The total amount of these payments is 2 \$[6182],
 and shall constitute full satisfaction of the judgment if paid on time.

Interest on the judgment shall accrue at the rate of _____ annually. If all payments are made as scheduled, a
 considered paid in full. In the event that payments
 the judgment creditor may elect to continue the te
 petition the court to vacate this order.

IT IS SO ORDERED

Dated: _____

 Judge of the Superior Court

1
 Order to Pay Judgment in Installments

1. Amount of final payment
 (probably will be different
 from prior payments)
 2. Total amount to be paid

Proposed Order to Pay Judgment in Installments (sample page 14)