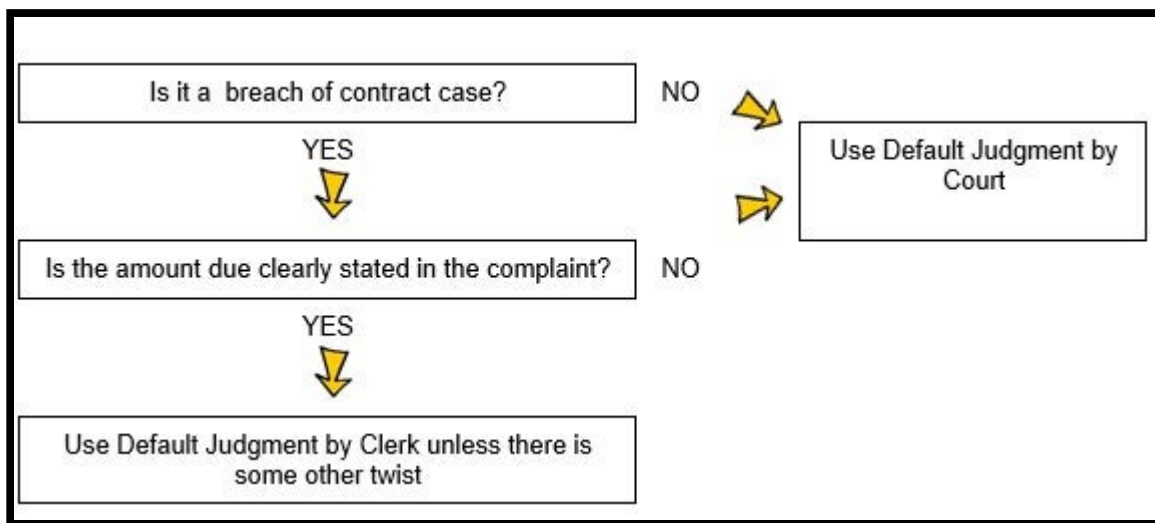


# Request a Default Judgment by Clerk

Unless the case is a clear-cut breach of contract case with a written amount due, you will probably need a Default Judgment by Court. Visit [Default Judgment by Court](https://www.saclaw.org/resource_library/request-a-default-judgment-by-court/) ([https://www.saclaw.org/resource\\_library/request-a-default-judgment-by-court/](https://www.saclaw.org/resource_library/request-a-default-judgment-by-court/)) for the correct guide.



Flow chart to select between judgment by clerk and judgment by court

A defendant has 30 days from the date he or she is personally served with your summons and complaint to file a written response, or 40 if you served them by substituted service. ([California Code of Civil Procedure \(CCP\) § 412.20\(a\) \(3\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=412.20)) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=412.20](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=412.20)).

**This is not an automatic cutoff.** The court will still accept a response from the defendant after 30 days, until you file a *Request for Entry of Default*. Once the clerk enters a default in the court record, the defendant is no longer able to file a response or otherwise participate in the case.

## Templates and Forms

- [Request for Entry of Default \(CIV-100\)](https://www.courts.ca.gov/documents/civ100.pdf) (<https://www.courts.ca.gov/documents/civ100.pdf>)

- 
- [Judgment of Default by Clerk \(CV/E-121\) Sacramento Cases Only](https://www.saccourt.ca.gov/forms-fees/-folder-28-637#docfold_637_988_14_28) ([https://www.saccourt.ca.gov/forms-fees/-folder-28-637#docfold\\_637\\_988\\_14\\_28](https://www.saccourt.ca.gov/forms-fees/-folder-28-637#docfold_637_988_14_28))
  - [Judgment \(JUD-100\) Non-Sacramento Cases Only](https://selfhelp.courts.ca.gov/jcc-form/JUD-100) (<https://selfhelp.courts.ca.gov/jcc-form/JUD-100>)
  - [Request for Dismissal \(CIV-110\)](https://selfhelp.courts.ca.gov/jcc-form/CIV-110) (<https://selfhelp.courts.ca.gov/jcc-form/CIV-110>)
  - [Declaration Re: Accrual of Interest \(MC-30\)](https://selfhelp.courts.ca.gov/jcc-form/MC-030) (<https://selfhelp.courts.ca.gov/jcc-form/MC-030>)
  - [Memorandum of Costs \(MC-010\)](https://selfhelp.courts.ca.gov/jcc-form/MC-010) (<https://selfhelp.courts.ca.gov/jcc-form/MC-010>)
  - [Declaration of Venue – PDF](https://saclaw.org/wp-content/uploads/2023/04/form-declaration-re-venue.pdf) (<https://saclaw.org/wp-content/uploads/2023/04/form-declaration-re-venue.pdf>)
  - [Proof of Service by First-Class Mail \(MC-030\)](https://selfhelp.courts.ca.gov/jcc-form/POS-030) (<https://selfhelp.courts.ca.gov/jcc-form/POS-030>)

The plaintiff can also request a judgment entered in his or her favor, at the same time as the default, or later. This is known as requesting a default judgment. The clerk can grant this judgment in breach of contract cases where a specific monetary amount is stated in the complaint. In other cases it must be done by the judge (“default judgment by court”). We have a separate guide for that; the process is more complicated.

## Background

### CLERK OR COURT JUDGMENT?

Unless the case is a clear-cut breach of contract case with a written amount due, you will probably need a Default Judgment by Court. Visit [Default Judgment by Court](https://www.saclaw.org/resource_library/request-a-default-judgment-by-court/) ([https://www.saclaw.org/resource\\_library/request-a-default-judgment-by-court/](https://www.saclaw.org/resource_library/request-a-default-judgment-by-court/)) for the correct guide.

### Warning: Declaration of Venue Requirement Can Trip You Up

If your lawsuit is for a *loan for personal or household use*, you must serve the defendant with a Declaration of Venue before obtaining a default. If you think there’s any chance of a default, be sure to serve this with the Summons. If it is not served with the Summons, **later service gives the defendant another 30 days to respond** (40 if by substituted service). ([CCP § 396a\(a\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=396a.&lawCode=CCP) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=396a.&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=396a.&lawCode=CCP))). (This requirement also applies to car dealers and retail installment contracts.) You can serve this at the same time you serve the complaint, but if you did not, you must have the Declaration of Venue served now. It must be served in the same way as a Summons and Complaint (personal service).

If your case requires a Declaration of Venue, the Clerk will reject your Request for Default unless you include proof of service of one.

---

You can find a [Declaration of Venue form and instructions](https://www.saclaw.org/resource_library/declaration-of-venue/venue/) ([https://www.saclaw.org/resource\\_library/declaration-of-venue/venue/](https://www.saclaw.org/resource_library/declaration-of-venue/venue/)) on our forms page.

## Step-by-Step Instructions

### 1 Make sure defendant has actually missed their deadline • **Deadline:**

- Personal service—30 calendar days from service
- Substituted service - 40 calendar days from follow-up mailing (longer if outside Cal.)

The defendant has 30 days from the date of personal service to file his or her response. If the defendant was served by substituted service, service is considered complete on the 10<sup>th</sup> day after the follow-up mailing required to complete substituted service ([CCP § 415.20\(a\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=415.20) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=415.20](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=415.20))), so, as a practical matter, the default cannot be taken until more than 40 days have passed after this mailing.

If the last day is a weekend or holiday, the deadline extends until the next business day. The first day you can file your Request for Default is the 31st (or 41st) day.

*Declaration of Venue:* As discussed above, you must also have served the Declaration of Venue, either with the complaint or later, and waited 30 (or 40) days if served separately.

### 2 Choose entry of default only, or entry of default and clerk's judgment

Obtaining a default judgment involves two steps: the request for entry of default and the request for entry of clerk's judgment. You can request both at the same time, or you can take these steps at different times.

**Entry of Default only:** If you want to cut off the defendant from responding as soon as possible, but you need additional time to get all the paperwork ready for the judgment, file the Request for Entry of Default (CIV-100) now and the request for judgment later. Here are the steps:

- 
- Fill out [Request for Entry of Default \(CIV-100\)](http://www.courts.ca.gov/documents/civ100.pdf) (<http://www.courts.ca.gov/documents/civ100.pdf>) and sign it. A sample filled-in form with instructions is available in the Forms section of this guide.
  - Make three copies.
  - Have *someone else* (a person over 18 who is not a party to the case) serve (mail) one copy to the defendant. On the rest of the copies, have the server fill out and sign Item 6 on page 2 (“Declaration of Mailing”).
  - File the original and both copies with the Clerk.
  - Complete the rest of this guide when you are ready to request the judgment. Your deadline is within 45 days after entry of default, unless you ask the court for an extension.

**Entry of Default and Clerk’s Judgment:** If you have all the paperwork you need to request the judgment as well, you can request it at the same time as the entry of default, on the same form. The additional paperwork is fairly simple.

For the rest of this guide, we will assume you are filing both steps simultaneously.

### 3 Complete the necessary forms

The Judicial Council and local Sacramento County forms commonly used in this procedure are:

- [Request for Entry of Default \(CIV-100\)](http://www.courts.ca.gov/documents/civ100.pdf) (<http://www.courts.ca.gov/documents/civ100.pdf>)
- [Judgment by Default by Clerk \(CV/E-121\)](https://www.saccourt.ca.gov/forms-fees/-/folder-28-637) (<https://www.saccourt.ca.gov/forms-fees/-/folder-28-637>)
- (If you are not in Sacramento County, use [Judgment \(JUD-100\)](http://www.courts.ca.gov/documents/jud100.pdf) (<http://www.courts.ca.gov/documents/jud100.pdf>) or your local form)
- [Request for Dismissal \(CIV-110\)](http://www.courts.ca.gov/documents/civ110.pdf) (<http://www.courts.ca.gov/documents/civ110.pdf>), if dismissing other parties (see Step 4)
- [Declaration re: Accrual of Interest \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>), if claiming pre-judgment interest (see Step 5)

Sample filled-in forms with instructions are available at the end of this Guide.

You will also need to provide:

- The original Summons if not yet filed, or a file-stamped copy, if already filed
- The original Proof of Service of Summons, if not yet filed, or a file-stamped copy if already filed

- Proof of Service of Declaration of Venue, if not listed on the Proof of Service of Summons
- A copy of the contract, with caption cover sheet, if it was not attached to the complaint.  
Use [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>) as the cover sheet.

#### 4 Dismiss any other parties (DOES)

Before you can obtain a judgment, you must dismiss any parties other than the party(ies) in default. This usually means any DOES you included in the Complaint. If you did not name anyone other than the party(ies) in default, skip this step.

To dismiss parties, fill out [Request for Dismissal \(CIV-110\)](http://www.courts.ca.gov/documents/civ110.pdf) (<http://www.courts.ca.gov/documents/civ110.pdf>). A sample filled-in form with instructions is available at the end of this Guide.

#### 5 Complete your Declaration re: Accrual of Interest

Many contracts include interest on a loan or on overdue payments in addition to the principal amount owed. To obtain any pre-judgment interest you claimed in your Complaint, you must prepare a declaration to the court showing how you calculated that amount. You may use [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>) for this declaration. A sample is included at the end of this Guide, which you can adapt to fit your own facts and circumstances.

In breach of contract cases, pre-judgment interest will accrue at the rate of interest specified in the contract; if no rate is specified, interest will accrue at 10% per year. [Civ § 3287\(c\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=3287.) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=3287.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=3287.)) caps pre-judgment interest in cases against a government entity at 7% per year.

To calculate your pre-judgment interest, you must determine the daily rate of interest and multiply that by the number of days for which interest should accrue. For example, if a loan of \$15,000 with a 10% interest rate was breached 200 days ago, the prejudgment interest calculation would be:

$\$15,000 \times 10\% = \$1500$  interest per year

$\$1500 \div 365 = \$4.11$  interest per day

---

$\$4.11 \times 200 = \$822$  prejudgment interest

You may use the [judgment calculator on the San Diego Court's website](https://ijcalc.sdcourt.ca.gov/) (<https://ijcalc.sdcourt.ca.gov/>) to determine the amount of interest. When using this calculator, enter the date the contract was breached in the field for "judgment date." This will calculate interest from that date to the date you run the calculation. The calculator will show you the daily interest rate, which you can use if you need to adjust your calculations.

## 6 Complete Memorandum of Costs, any

If you have court costs that you want to recover, fill out the Memorandum of Costs portion of the Request for Entry of Judgment (CIV-100), which is item 7 on that form. If you were granted a fee waiver, you will probably not need to do this part.

If you do use the form, it should be simple. Since the case is ending with a default, you should not have many costs to list – probably filing fees and the cost of service.

## 7 Copy and assemble documents

Make three (3) copies of each:

- Request for Dismissal (CIV-110), if applicable
- Request for Entry of Default (CIV-100)
- Declaration re: Accrual of Interest (MC-030)
- Judgment by Default by Clerk (CV/E-121)

Staple each photocopy, but **leave the originals unstapled**. The originals will be scanned into the court's filing system, and the staple will damage the scanner. Set aside one photocopy of each document for service on the other party. For the remaining copies of each document, place the original on top of its photocopies, and paperclip them together.

## 8 Have your documents served

You must have someone over the age of 18 who is not a party in the case mail a set of the photocopies you made in Step 7 to the defendant. This person must then complete a [Proof of Service by Mail \(POS-030\)](#) (<http://www.courts.ca.gov/documents/pos030.pdf>). Make two photocopies of the signed proof of service. See the Step-by-Step guide on [Serving Documents by Mail](#) ([https://www.saclaw.org/resource\\_library/serving-documents-by-mail/](https://www.saclaw.org/resource_library/serving-documents-by-mail/)) for more information.

## 9 File your documents

You must file the original and two (2) remaining photocopies of:

- Request for Entry of Default (CIV-100)
- Declaration re: Accrual of Interest (MC-030)
- Judgment by Default by Clerk (CV/E-121) (or JUD-100 if outside Sacramento)
- Request for Dismissal (CIV-110), if applicable
- Proof of Service (POS-030) for all of the above documents, from Step 8
- Memorandum of Costs (MC-010) with Proof of Service (p2) complete, if you are using it
- Original *Summons* (SUM-100) (if not yet filed), or filed endorsed (stamped) copy
- *Proof of Service of Summons* (POS-010) (if not yet filed), or filed endorsed (stamped) copy

In Sacramento, if you do not have filed endorsed copies of the Summons and Proof of Service of Summons, you may download them from the court's online [Public Case access system](#) (<https://prod-portal-sacramento-ca.journaltech.com/public-portal/>) (free) or by using the courthouse kiosks.

If needed, you must also file:

- Copy of written contract, with cover sheet (use [Declaration \(MC-030\)](#) (<http://www.courts.ca.gov/documents/mc030.pdf>) as cover sheet) (this is required if it was not attached to complaint)
- Proof of Service of Declaration of Venue (if served separate from Summons)

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In Sacramento, file your documents in the drop box on the second floor of the Tani G. Cantil-Sakauye Courthouse at 500 G Street, Second Floor, Sacramento CA 95814. Fill out and attach the [Civil Document Drop-Off Sheet](https://www.saccourt.ca.gov/home/showpublisheddocument/861/639099448674370000), and date stamp the back of each original document. A supply of *Civil Document Drop-Off Sheets* and a date stamp are located near the drop box. Include a self-addressed stamped envelope with enough postage to mail your documents back to you.

Although the court cannot tell you exactly when your default will be processed, every Friday they publish a list of dates that they have reached in processing particular document types. You may see this list on [the Court's Civil webpage](https://www.saccourt.ca.gov/civil/civil.aspx).

## 10 After you receive your Judgment, serve Judgment and Notice of Entry of Judgment on defendant

If your judgment is approved, the court will mail you a signed copy. Fill out a Notice of Entry of Judgment.

Make one photocopy of Judgment and Notice of Entry of Judgment, and have them served on the defendant by mail, by someone over the age of 18 who is not a party in the case. The server must then complete a [Proof of Service by Mail \(POS-030\)](http://www.courts.ca.gov/documents/pos030.pdf).

Make a photocopy of the signed proof of service, and file the original and photocopy with the court. See our Step-by-Step guide on [Serving Documents by Mail](https://www.saclaw.org/resource_library/serving-documents-by-mail/) for more information.

## For More Information

### For help

[SH@LL \(Self-Help at the Law Library\)](https://saclaw.org/services/civil-self-help/)

609 9<sup>th</sup> Street, Sacramento CA 95814

(916) 476-2731 (Appointment Request Line)

*Services Provided:* SH@LL provides general information and basic assistance to self-represented litigants on a variety of legal issues. All assistance is provided by telephone. Visit ["What we can](#)

[help with \(https://saclaw.org/services/civil-self-help/#canhelp\)](https://saclaw.org/services/civil-self-help/#canhelp) ” for a list of qualifying cases.

*Eligibility:* Must be a Sacramento County resident or have a [qualifying case \(https://saclaw.org/services/civil-self-help/#who\)](https://saclaw.org/services/civil-self-help/#who) in the Sacramento County Superior Court.

## **At the Law Library:**

**Win Your Lawsuit** KFC 968 .Z9 D86 (Self Help) Chap. 9

**California Forms of Pleading and Practice** KFC 1010 .A65 C3 (Ready Ref) Chap. 165  
Electronic Access: On the Law Library’s computers, using *Lexis Advance*.

**California Civil Procedure Before Trial** KFC 995 .C34 Chap. 38  
Electronic Access: On the Law Library’s computers, using *OnLaw*.

If you have questions about this guide, or if you need help finding or using the listed materials, don’t hesitate to ask a reference librarian.

# Samples

## Request for Dismissal

CIV-110

|  |  |
|--|--|
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY<br/> <b>NAME:</b> Paul Sample<br/> <b>FIRM NAME:</b><br/> <b>STREET ADDRESS:</b> 2036 Donner Dr.<br/> <b>CITY:</b> Sacramento<br/> <b>TELEPHONE NO.:</b> 916-123-4567<br/> <b>EMAIL ADDRESS:</b><br/> <b>ATTORNEY FOR (name):</b> In Pro Per</p> | <p>STATE BAR NUMBER:<br/> <b>STATE:</b> CA <b>ZIP CODE:</b> 95826<br/> <b>FAX NO.:</b></p> |
| <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b><br/> <b>STREET ADDRESS:</b> 720 Ninth Street<br/> <b>MAILING ADDRESS:</b> 720 Ninth Street<br/> <b>CITY AND ZIP CODE:</b> Sacramento, CA 95814<br/> <b>BRANCH NAME:</b> Civil</p>   |  |
| <p><b>PLAINTIFF/PETITIONER:</b> Paul Sample<br/> <b>DEFENDANT/RESPONDENT:</b> Peter Perpetrator and DOES 1-10</p>  |  |
| <p><b>REQUEST FOR DISMISSAL</b></p>  | <p><b>CASE NUMBER:</b> 34-2020-00123456<br/> <b>Case Number</b></p>                        |

A conformed copy will not be returned by the clerk unless the court orders otherwise. This form may not be used for dismissal of a derivative class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:

a. (1)  With prejudice (2)  Without prejudice (3)  Without prejudice and with the court retaining jurisdiction (Code Civ. Proc. § 664.6)

b. (1)  Complaint (2)  Petition (3)  Cross-complaint filed on (date): by (name): (4)  Cross-complaint filed on (date): (5)  Entire action of all parties and all causes (6)  Other (specify)\*: DOES 1-10 ONLY

2. (Complete in all cases except family law cases.)  
 The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)  
 Date: 5/23/2021  
 Paul Sample  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY) (SIGNATURE)  
 \* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed  
 Plaintiff/Petitioner  Defendant/Respondent  Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.  
 Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY) (SIGNATURE)  
 Attorney or party without attorney for  Plaintiff/Petitioner  Defendant/Respondent  Cross-Complainant

Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

4.  Dismissal entered as requested on (date):  
 5.  Dismissal entered  
 6.  Dismissal not entered  
 7. a.  Attorney or party without attorney for  
 b.  Attorney or party without attorney for a copy

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

REQUEST FOR DISMISSAL

Form Adopted for Mandatory Use  
 Judicial Council of California  
 CIV-110 [Rev. January 1, 2025]  
 Code of Civil Procedure, § 581 et seq.;  
 Government Code, § 58637(c); Cal. Rules of Court, rule 3.1390  
[www.courts.ca.gov](http://www.courts.ca.gov)

Request for Dismissal (CIV-110) (page 1)

|  |   |
|--|---|
| PLAINTIFF/PETITIONER: Paul Sample<br>DEFENDANT/RESPONDENT: Peter Perpetrator and DOES 1-10 | CIV-110<br>CASE NUMBER:<br>34-2020-00123456 |
|--|---|

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for (name): Paul Sample

2. The person named in item 1 is (check one below)

a.  not recovering anything of value by this action.

b.  recovering less than \$10,000 in value by this action.

c.  recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)

3. All court fees and court costs that were waived in this action have been paid to the court (check one)  Yes  No

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

Date: 5/23/2021

Paul Sample

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

Print name and date; check "Party Making Declaration."

Signature

(SIGNATURE)

If your filing fees were waived, you must complete this page of the form. If your fees were not waived, you do not need to complete the second page of this form.

CIV-110 (Rev. January 1, 2025) Page 2 of 2

**REQUEST FOR DISMISSAL**

Request for Dismissal (CIV-110) (page 2)

# Request for Entry of Default

CIV-100

ATTORNEY OR PARTY WITHOUT ATTORNEY:

NAME: Paul Sample Your name, address, and phone number. "In Pro Per" means you are representing yourself.

FIRM NAME:

STREET ADDRESS: 2036 Donner Dr. STATE: CA ZIP CODE: 95826

CITY: Sacramento FAX NO.:

TELEPHONE NO.: 916-123-4567

E-MAIL ADDRESS:

ATTORNEY FOR (name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

720 Ninth Street Court name, address, and branch.

720 Ninth Street

Sacramento, CA 95814

Civil

Plaintiff: Paul Sample Your name and the defendant's name as they appear on the complaint.

Defendant/Respondent: Peter Perpetrator and DOES 1-10

REQUEST FOR  Entry of Default  Clerk's Judgment CASE NUMBER: 34-2020-00123456 Case Number

(Application)  Court Judgment

Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105)

1. TO THE CLERK: On the complaint or cross-complaint:

a. on (date): 1/20/2020

b. by (name): Paul Sample

c.  Enter default of defendant (names): Paul Perpetrator Check "Entry of Default" and/or "Clerk Judgment," depending on what you are requesting.

d.  I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to Code Civ. Proc., § 585(d).) If requesting only a default, check box next to 1c and insert name of defendant(s). If requesting only a judgment, check box next to 1e and 1e(2). If asking for both, check 1c, 1e and 1e(2).

e.  Enter clerk's judgment

(1)  for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)

Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Judgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.

(2)  under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)

(3)  for default previously entered on (date):

2. Judgment to be entered.

|                          | <u>Amount</u> | <u>Balance</u> |
|--------------------------|---------------|----------------|
| a. Demand of complaint   | \$ 15,000.00  | \$ 15,000.00   |
| b. Statement of damages* |               |                |
| (1) Special              | \$            | \$             |
| (2) General              | \$            | \$             |
| c. Interest              | \$ 3,312.66   | \$ 3,312.66    |
| d. Costs (see reverse)   | \$ 445.00     | \$ 445.00      |
| e. Attorney fees         | \$            | \$             |
| f. TOTALS                | \$ 18,757.66  | \$ 18,757.66   |

g. Daily damages were demanded in complaint at the rate of: \$ \_\_\_\_\_ per day beginning (date): \_\_\_\_\_

(\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3.  (Check if filed in an unlawful detainer case.) Legal document assistant or unlawful detainer assistant information is on the reverse (complete).

Date: 5/23/2021 Print Name and Date.

Paul Sample Signature

(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY (1)  Default entered as requested on (date):

(2)  Default NOT entered as requested (state reason):

Clerk, by \_\_\_\_\_, Deputy Page 1 of 3

Form Adopted for Mandatory Use  
Judicial Council of California  
CIV-100 [Rev. January 1, 2023]

**REQUEST FOR ENTRY OF DEFAULT**  
(Application to Enter Default)

Code of Civil Procedure, §§ 585-587, 1169  
www.courts.ca.gov

Request for Entry of Default (CIV-100) (page 1)



CIV-100

Your name and the defendant's name as they appear on the complaint.

|   |                                  |
|---|----------------------------------|
| Plaintiff/Petitioner: Paul Sample                     | CASE NUMBER:<br>34-2020-00123456 |
| Defendant/Respondent: Peter Perpetrator and DOES 1-10 |                                  |

4. Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant or unlawful detainer assistant  did  did not for compensation give advice or assistance with this form. If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

a. Assistant's name: c. Telephone no.:

b. Street address, city, and zip code: d. County of registration:

e. Registration no.:

f. Expires on (date):

5.  Declaration under Code Civ. Proc., § 585.5 (for a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act)). This action

a.  is  is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).

b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).

c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. Declaration of mailing (Code Civ. Proc., § 587). A copy of this Request for Entry of Default was

a.  not mailed to the following defendants, y (names):

b.  mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date): 5/23/2021

(2) To (specify names and addresses shown on the envelopes):  
Peter Perpetrator  
11 Main St. #22  
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing items 4, 5, and 6 are true and correct.

Date: 5/23/2021

Paul Sample Signature

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

7. Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

|                          |           |
|--------------------------|-----------|
| a. Clerk's filing fees   | \$ 385.00 |
| b. Process server's fees | \$ 60.00  |
| c. Other (specify):      | \$        |
| d.                       | \$        |
| e. TOTAL                 | \$ 445.00 |

f.  Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury that the foregoing item 7 is true and correct.

Date: 5/23/2021

Paul Sample Signature

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

CIV-100 (Rev. January 1, 2023) REQUEST FOR ENTRY OF DEFAULT Page 2 of 3

Request for Entry of Default (CIV-100) (page 2)



|  |  |
|--|--|
| Plaintiff/Petitioner: Paul Sample<br>Defendant/Respondent: Peter Perpetrator and DOES 1-10 | <b>CIV-100</b><br>CASE NUMBER:<br>34-2020-00123456 |
|--|--|

**8. Declaration of nonmilitary status** *(required for a judgment).*  
 No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because *(check all that apply)*:

a.  the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.

b.  I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.

c.  I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.

d.  I know that the defendant/respondent was discharged from U.S. military service on or about *(date)*:

e.  the defendant/respondent is not eligible to serve in the U.S. military because they are:  
 incarcerated  a business entity

f.  other *(specify)*:

You must verify that the defendant is not currently in the military before obtaining a judgment by default.

Choose the box that explains how you learned that defendant is not in the military.

**Note**

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is uncertain, the defendant/respondent is entitled to certain rights and protections under federal and state law before a judgment by default is entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

Request for Entry of Default (CIV-100) (page 3)



# Declaration re Interest

|   |  |   |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State)<br><b>Paul Sample</b><br>2036 Donner Dr.<br>Sacramento, CA 95826<br>TELEPHONE NO.: 916-123-4567<br>FAX NO. (Optional)<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name) <b>In Pro Per</b> |  | MC-030<br>FOR COURT USE ONLY  |
| COURT NAME, ADDRESS, AND BRANCH<br><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</b><br>STREET ADDRESS: 720 Ninth Street<br>MAILING ADDRESS: 720 Ninth Street<br>CITY AND ZIP CODE: Sacramento, CA 95814<br>BRANCH NAME: Civil        |  | Your name, address, and phone number. "In Pro Per" means you are representing yourself. |
| PLAINTIFF/PETITIONER: <b>Paul Sample</b><br>DEFENDANT/RESPONDENT: <b>Peter Perpetrator</b>  |  | Your name and the defendant's name as they appear on the complaint.                     |
| DECLARATION   |  | CASE NUMBER:<br><b>34-2020-00123456</b><br>Case Number                                  |

DECLARATION RE INTEREST

I, Paul Sample, declare that the following is true and correct, and if called as a witness, I could competently testify to the matters hereinafter set forth which are within my personal knowledge.

Interest is the amount of \$3312.66 accrued on the principal sued for, \$15,000, at the rate of 10% per annum from March 17, 2019. I computed this amount at \$4.11 per day for 806 days for the total interest accrued as of this date of \$3312.66.

If you are requesting pre-judgment interest, use the "Declaration" form to explain how you calculated the amount.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date: 5/23/2021

Paul Sample (TYPE NAME) Print name and date.
 Paul Sample (SIGNATURE OF DECLARANT) Sign and mark box.

Attorney for  
 Plaintiff  
 Respondent  
 Petitioner  
 Defendant  
 Other (Specify):

Form Approved for Optional Use  
 Judicial Council of California  
 MC-030 (Rev. January 1, 2006)

DECLARATION Page 1 of 1

Declaration re Interest (MC-030)

## Judgment by Default By Clerk

|   |  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
|---|--|---|------------------|-----------|------------------------------------|---|--|----------|-------|---|--|--------|---------------|---|--|------|--------------|----------|--|------------------|--|
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name) <b>Paul Sample</b></p> <p>2036 Donner Dr.<br/>Sacramento, CA 95826</p> <p>TELEPHONE NO.: 916-123-4567 FAX NO.:</p> <p>ATTORNEY FOR (Name) <b>In Pro Per</b></p>  | <p><small>FOR COURT USE ONLY</small></p>   |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p><b>SUPERIOR COURT OF CALIFORNIA<br/>COUNTY OF SACRAMENTO</b><br/>720 Ninth Street, Room 102<br/>Sacramento, CA 95814-1380<br/>(916) 874-5522</p>   |  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>Case Title</p> <p><b>Sample v Perpetrator</b></p>  | <p>Case No. <b>34-2020-00123456</b> <span style="border: 1px solid black; padding: 2px;">Case Number</span></p> <p><b>JUDGMENT BY DEFAULT BY CLERK</b></p> |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>In this action, the defendant(s) hereinafter named, having been sued herein for the recovery of money only, having been personally served with summons and a copy of complaint, having failed to appear and answer the complaint within the time allowed by law, and upon application of plaintiff(s), default of said defendant(s) having been entered;</p>   |  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>Acknowledgment of credit was made in the sum of \$</p>   | <p>0.00</p> <p style="border: 1px solid black; padding: 2px;">The amount of any payments received since the lawsuit was filed.</p>                         |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>Judgment is hereby entered that plaintiff(s):</p>  | <p><b>Paul Sample</b><br/><small>(NAME OF PLAINTIFF(S))</small></p>  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>Recover from defendant(s):</p>   | <p><b>Peter Perpetrator</b><br/><small>(NAME OF DEFENDANT(S))</small></p>  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Principal:</td> <td style="width: 5%;">S</td> <td style="width: 10%;"></td> <td style="width: 15%;">15,000.00</td> </tr> <tr> <td>Interest (pursuant to declaration)</td> <td>S</td> <td></td> <td>3,312.66</td> </tr> <tr> <td>Costs</td> <td>S</td> <td></td> <td>445.00</td> </tr> <tr> <td>Attorney Fees</td> <td>S</td> <td></td> <td>0.00</td> </tr> <tr> <td><b>Total</b></td> <td><b>S</b></td> <td></td> <td><b>18,757.66</b></td> </tr> </table> | Principal:   | S |                  | 15,000.00 | Interest (pursuant to declaration) | S |  | 3,312.66 | Costs | S |  | 445.00 | Attorney Fees | S |  | 0.00 | <b>Total</b> | <b>S</b> |  | <b>18,757.66</b> | <p style="border: 1px solid black; padding: 2px;">Enter the amounts as appropriate. These should match the amounts listed on Request for Entry of Default (CIV-100).</p> |
| Principal:  | S  |   | 15,000.00        |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| Interest (pursuant to declaration)  | S  |   | 3,312.66         |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| Costs   | S  |   | 445.00           |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| Attorney Fees   | S  |   | 0.00             |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <b>Total</b>  | <b>S</b>   |   | <b>18,757.66</b> |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>It is so ordered.</p> <p style="text-align: center;">DATE _____ DEPUTY CLERK _____</p> <p style="text-align: center;"><b>JUDGMENT BY DEFAULT BY CLERK</b></p>  |  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |
| <p>CCP 565<br/>CVP-124 (Rev. 03/08/06)</p> <p><b>CEB Essential Forms</b><br/>ceb.com</p>  |  |   |                  |           |                                    |   |  |          |       |   |  |        |               |   |  |      |              |          |  |                  |  |

Judgment by Default by Clerk (Sacramento Local Form CV\E-121)



### Declaration Attaching Written Agreement

|   |  |
|---|--|
| MC-030  |  |
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br/> <b>Paul Sample</b></p> <p>2036 Donner Dr.<br/>         Sacramento, CA 95826<br/>         TELEPHONE NO. 916-123-4567<br/> <small>(Fax No. (Optional))</small></p> <p>E-MAIL ADDRESS (Optional)<br/>         ATTORNEY FOR (Name): <b>In Pro Per</b></p> | <p><small>FOR COURT USE ONLY</small></p>         |
| <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</b></p> <p>STREET ADDRESS: 720 Ninth Street<br/>         MAILING ADDRESS: 720 Ninth Street<br/>         CITY AND ZIP CODE: Sacramento, CA 95814<br/>         BRANCH NAME: Civil</p>  |  |
| <p>PLAINTIFF/PETITIONER: <b>Paul Sample</b></p> <p>DEFENDANT/RESPONDENT: <b>Peter Perpetrator and DOES 1-10</b></p>   |  |
| <p><b>DECLARATION</b></p>   | <p>CASE NUMBER:<br/> <b>34-2020-00123456</b></p> |

Attached hereto is a true and correct copy of the Written Agreement in this matter.

If you did not include a copy of your written agreement with your complaint when you began this lawsuit, you will need to provide a copy to the court. You may use this form as a cover page for the contract.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date: 5/23/2021

Your name and date.
Signature

Paul Sample (TYPE OR PRINT NAME)
 Paul Sample (SIGNATURE OF DECLARANT)

Attorney for Respondent
  Plaintiff
  Petitioner
  Defendant
  Other (Specify):

Form Approved for Optional Use  
 Judicial Council of California  
 MC-030 (Rev. January 1, 2005)
**CEB Essential Forms**
**DECLARATION**
Page 1 of 1

### Optional: Declaration Attaching Written Agreement

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