

Request a Default Judgment by Court

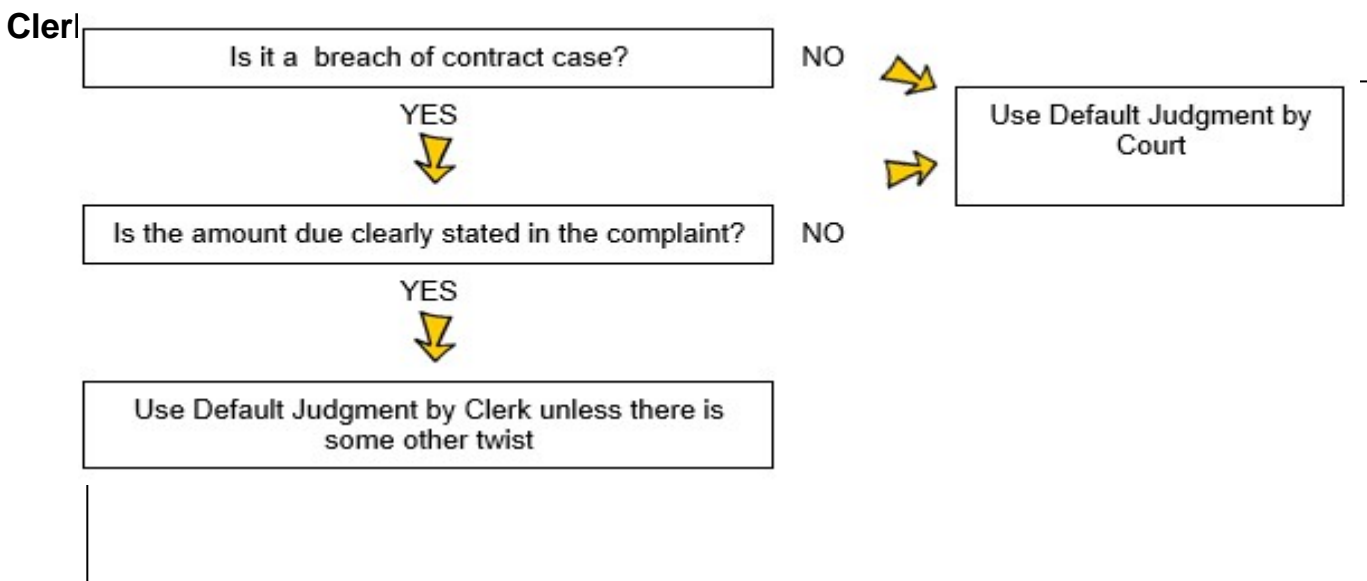
Background

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§ionNum=412.20) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=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.

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 a default judgment in some breach of contract cases. [We have a separate guide for that;](https://saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/) (https://saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/) it is simpler. In other cases it must be done by the judge (“default judgment by court”).



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 California)

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 10th day after the follow-up mailing required to complete substituted service ([CCP § 415.20\(a\)](#) (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=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 and Statements of Damages: As discussed above, you must also have served the Declaration of Venue, Statement of Damages, and/or Punitive Damages Statement, as needed, and waited an additional 30 (or 40) days unless it was served with the Summons and Complaint.

2. Choose entry of default only, or entry of default and court judgment

Obtaining a default judgment involves two steps: the request for entry of default and the request for entry of court 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>) 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 Court 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.

Judgment only: If you have already gotten the default entered, you will just ask for the judgment.

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 Court \(CV/E-122\)](http://www.saccourt.ca.gov/forms/docs/cv-122.pdf) (<http://www.saccourt.ca.gov/forms/docs/cv-122.pdf>) (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)

In addition, you will need to write a *Declaration in Support of Application for Default Judgment*. There is no Judicial Council form for this declaration. Instead, it must be typed on 28-line pleading paper. A customizable template may be downloaded from this link:

- [Declaration In Support of Application for Default Judgment Pursuant to CCP § 585\(d\)](https://saclaw.org/wp-content/uploads/2015/03/sbs-request-a-default-judgment-by-court-declaration.rtf) (<https://saclaw.org/wp-content/uploads/2015/03/sbs-request-a-default-judgment-by-court-declaration.rtf>) (see Step 7)

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, Statement of Damages, and/or Reservation of Rights to Punitive Damages, if needed.

[When do you need a Declaration of Venue or Statement of Damages?](https://saclaw.org/resource_library/missing-declaration-of-venue-or-statement-of-damages-requirement-can-trip-you-up/) (https://saclaw.org/resource_library/missing-declaration-of-venue-or-statement-of-damages-requirement-can-trip-you-up/)

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 \(MC-030\)](#) (<https://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\(c\)](#) (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=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/>) 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, if 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 fill it out, 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. Complete Your Declaration in Support of Default Judgment

When you apply for your judgment, you must include a declaration under penalty of [perjury](#) (<https://www.saclaw.org/glossary/perjury/>) in support of your application. [CCP § 585\(d\)](#). (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=585.&lawCode=CCP)

In the declaration, you must provide clear and concise evidence of every element in each of the causes of

action in your complaint to prove to the judge why a judgment should be awarded to you. For example, if your cause of action is for negligence, you must prove:

- Element 1. That the defendant owed a duty to the plaintiff;
- Element 2. That the defendant breached that duty;
- Element 3. That you (the plaintiff) were harmed; and
- Element 4. That the defendant's negligence was a substantial factor in causing your harm.

The official *California Civil Jury Instructions* (CACI) provide plain-English explanations of the elements of almost every cause of action. Our guide on "[Jury Instructions](https://www.saclaw.org/resource_library/jury-instructions/) (https://www.saclaw.org/resource_library/jury-instructions/)" describes how to use jury instructions as a checklist for gathering evidence. You may also wish to consult these Law Library resources for information on how to prove the elements of various causes of action:

- **California Causes of Action** KFC 1003 .C35
Electronic Access: On the Law Library's computers, using *VitalLaw*
- **California Elements of an Action** KFC 1003 .S7

Attaching Exhibits

Exhibits for the original and other two copies should be separated by a blank piece of pleading paper with their exhibit letter or number typed or written at the bottom of the page.

Declaration

In your declaration, you must also prove the amount of money or other remedies you should be awarded, explaining the evidence you relied upon when determining the amount you are owed. Copies of documents such as receipts, contracts, police reports, etc. should be attached as exhibits where needed.

At the end of this guide is a sample declaration. You may use it as an example of the types of information to include, and the amount of detail the court will want from you. You will need to adapt the language to fit your own facts and circumstances.

You may download a customizable template from this link:

- [Declaration In Support of Application for Default Judgment Pursuant to CCP § 585\(d\)](https://saclaw.org/wp-content/uploads/2015/03/sbs-request-a-default-judgment-by-court-declaration.rtf) (<https://saclaw.org/wp-content/uploads/2015/03/sbs-request-a-default-judgment-by-court-declaration.rtf>)

If you prefer, you may use [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>) and attach [Attachment to Judicial Council Form \(MC-025\)](http://www.courts.ca.gov/documents/mc025.pdf) (<http://www.courts.ca.gov/documents/mc025.pdf>) if you need additional pages.

Ideally, this declaration will replace an in-person hearing with the judge. You must provide the judge with all the information necessary to rule in your favor. In order to fully prove your case, you will likely need to attach exhibits to your declaration, such as receipts, contracts, police reports, etc.

8. Copy and assemble documents

Make three (3) copies of each:

- Request for Dismissal (CIV-110), if applicable
- Request for Entry of Default (CIV-100)
- Judgment by Default by Court (CV/E-122) (or JUD-100 if outside Sacramento)
- Declaration re: Accrual of Interest (MC-030) (if applicable)
- Declaration in Support of Application for Default Judgment Pursuant to CCP § 585(d)

Staple each photocopy, but **leave the originals unstapled**. 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.

9. 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 8 to the defendant. This person must then complete a [Proof of Service by Mail \(POS-030\)](http://www.courts.ca.gov/documents/pos030.pdf) (<http://www.courts.ca.gov/documents/pos030.pdf>). Make two photocopies of the signed proof of service. See our Step-by-Step guide on [Serving Documents by Mail](https://saclaw.org/resource_library/serving-documents-by-mail/) (https://saclaw.org/resource_library/serving-documents-by-mail/) for more information.

10. 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 Court (CV/E-122) (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 9)
- Memorandum of Costs (MC-010) with Proof of Service (p2) complete, if you are using it (from Step 6)
- 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 Portal](https://services.saccourt.ca.gov/PublicCaseAccess) (<https://services.saccourt.ca.gov/PublicCaseAccess>).

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) (<http://www.courts.ca.gov/documents/mc030.pdf>) as cover sheet) (if not attached to complaint)
- Proof of Service of Declaration of Venue, Statement of Damages, and/or Reservation of Rights to Punitive Damages (if served separate from Summons)

File your documents in the drop box in Room 102 in the Sacramento Superior Court at 720 Ninth Street. Fill out and attach the [Civil Document Drop-Off Sheet](http://www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf) (<http://www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf>), 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.

The court cannot tell you exactly when your default will be processed. Unfortunately, default judgment by court paperwork tends to take a number of months to be processed.

11. Attend the Default Hearing, if Required

Typically, the court will review the materials you submit, and will grant your judgment (or reject it and request additional evidence) based on the paperwork. If, after reviewing the materials you submit, the court determines that personal testimony is required, you will be notified by the court of the hearing date. Be sure to attend the hearing, and bring with you any documents or other items that you believe support the claims made in your complaint.

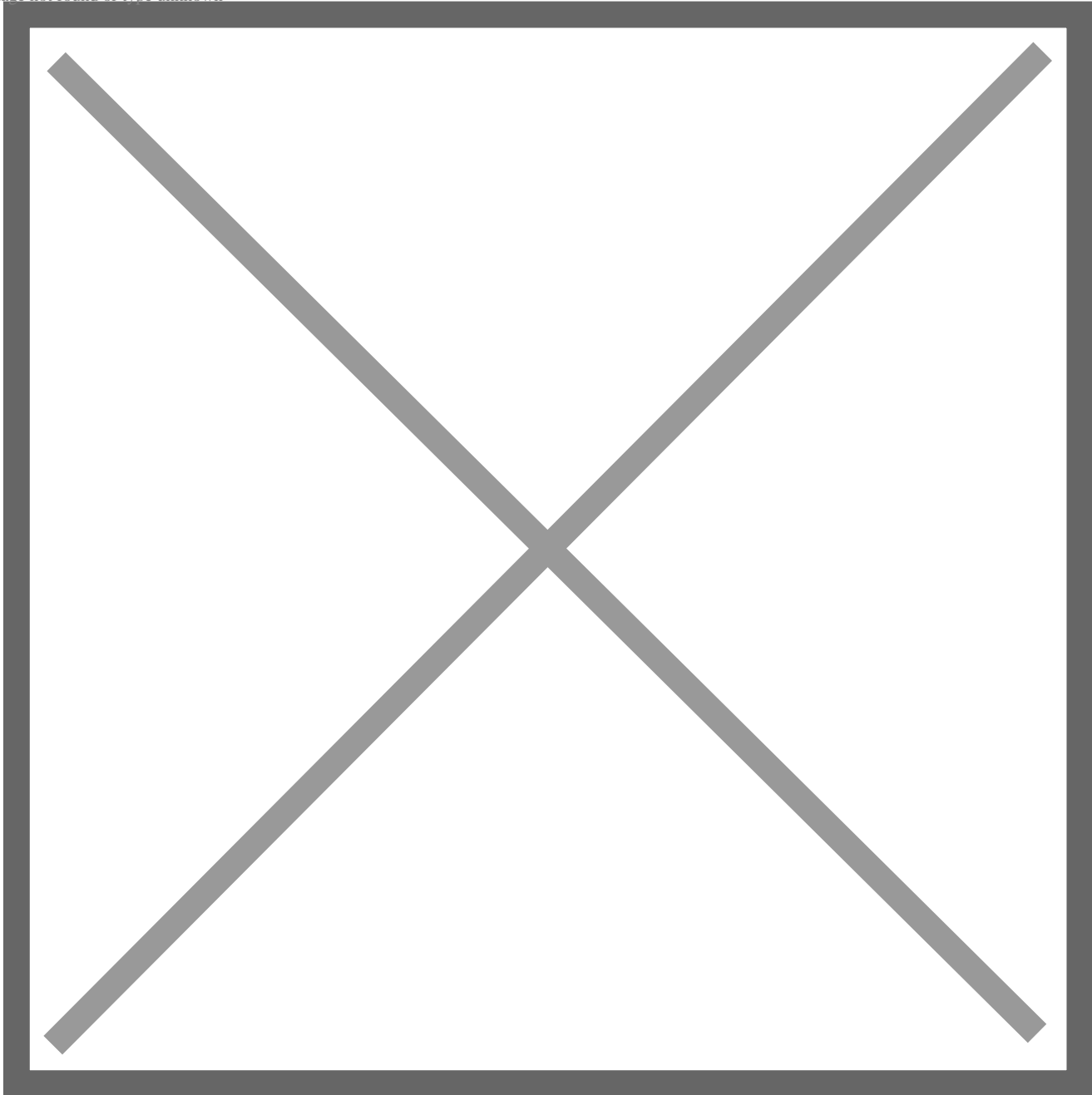
12. Serve Judgment and File Proof of Service

The court will mail you a signed copy of your judgment. Make one photocopy of this judgment, and have someone over the age of 18 who is not a party in the case mail a copy of the judgment to the defendant. This person must then complete a [Proof of Service by Mail \(POS-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>). Make a photocopy of the signed proof of service, and file the original and photocopy with the court.

More Like This

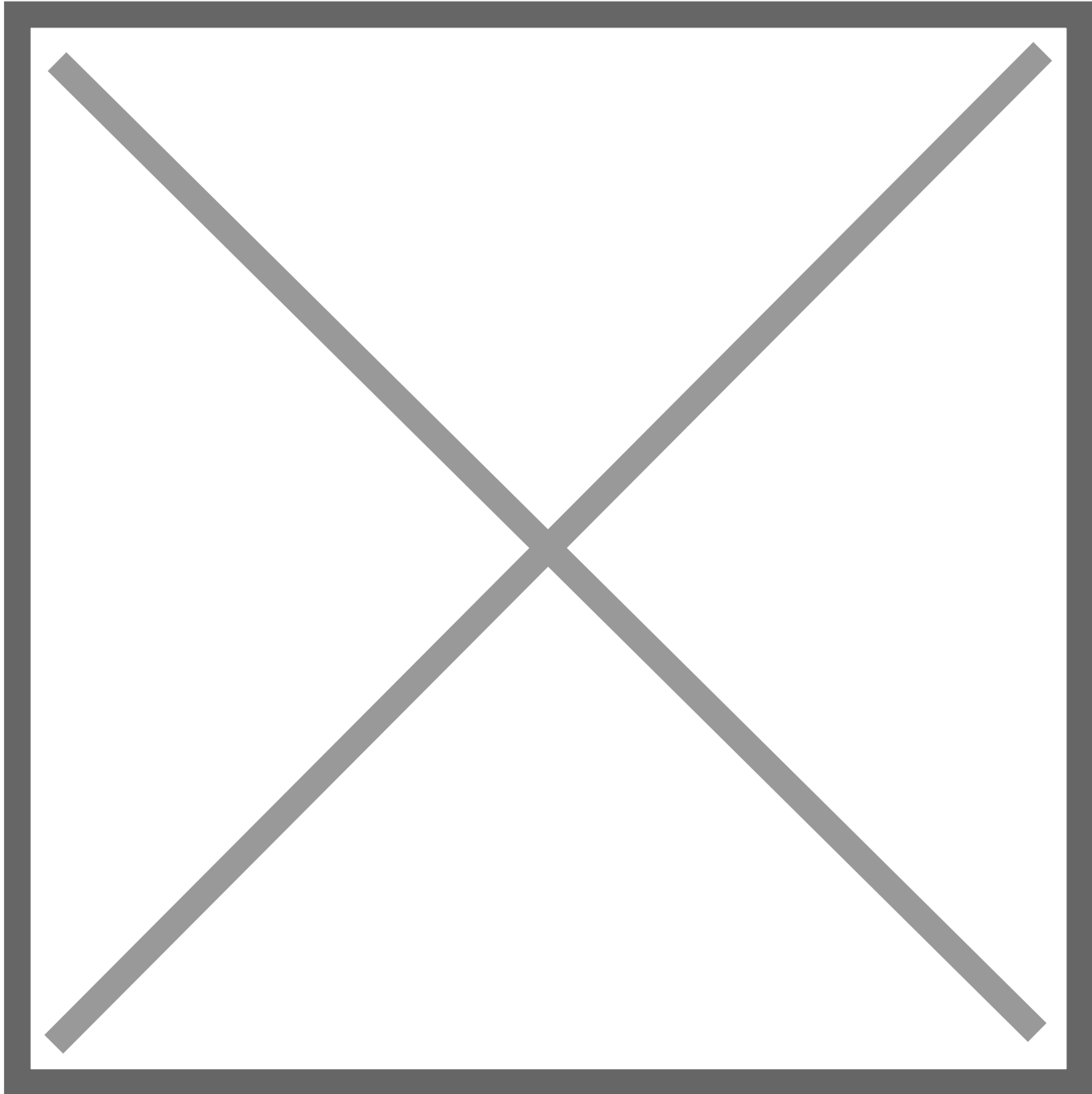
[Request Default by Clerk](#)

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[\(https://saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/\)](https://saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/)

[Relief from Default \(Set-Aside\)](#)



[\(https://saclaw.org/resource_library/motion-to-set-aside-relief-from-default-judgment/\)](https://saclaw.org/resource_library/motion-to-set-aside-relief-from-default-judgment/)

For Help

SH@LL (Self-Help at the Law Library) (<https://saclaw.org/services/civil-self-help/>) (formerly Civil Self Help Center)

609 9th 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 civil legal issues, including name changes. 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.

For More Information

At the Law Library:

Win Your Lawsuit [KFC 968 .Z9 D86](https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=1811) (<https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=1811>) (Self Help) Chap. 9

California Forms of Pleading and Practice [KFC 1010 .A65 C3](https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=7) (<https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=7>) (Ready Ref) Chap. 165

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Civil Procedure Before Trial [KFC 995 .C34](https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=936) (<https://catalog.saclaw.org/cgi-bin/koha/opac-detail.pl?biblionumber=936>)
Chap. 38

Electronic Access: On the Law Library's computers, using *OnLaw*.

Samples

Request for Dismissal (if needed)

CIV-110

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Paul Sample FIRM NAME: STREET ADDRESS: 2036 Donner Dr. CITY: Sacramento TELEPHONE NO.: 916-123-4567 EMAIL ADDRESS: ATTORNEY FOR (name): In Pro Per</p>	<p>STATE BAR NUMBER: FOR COURT USE ONLY STATE: CA ZIP CODE: 95826 FAX NO.:</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil</p>	
<p>PLAINTIFF/PETITIONER: Paul Sample DEFENDANT/RESPONDENT: Peter Perpetrator and DOES 1-10</p>	
<p>REQUEST FOR DISMISSAL</p>	<p>CASE NUMBER: 34-2020-00123456 Case Number</p>
<p>A conformed copy will not be returned by the clerk unless this form may not be used for dismissal of a derivative class action. (Cal. Rules of Court, rules 3.760 and 3.770.)</p>	
<p>1. TO THE CLERK: Please dismiss this action as follows: a. (1) <input type="checkbox"/> With prejudice (2) <input checked="" type="checkbox"/> Without prejudice (3) <input type="checkbox"/> Without prejudice and with the court retaining jurisdiction (Code Civ. Proc. § 664.6) b. (1) <input type="checkbox"/> Complaint (2) <input type="checkbox"/> Petition (3) <input type="checkbox"/> Cross-complaint filed on (date): (4) <input type="checkbox"/> Cross-complaint filed on (date): (5) <input type="checkbox"/> Entire action of all parties and all causes (6) <input checked="" type="checkbox"/> Other (specify)*: DOES 1-10 ONLY</p>	
<p>2. (Complete in all cases except family law cases.) The court <input checked="" type="checkbox"/> did <input type="checkbox"/> 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</p>	
<p>(TYPE OR PRINT NAME OF <input type="checkbox"/> ATTORNEY <input checked="" type="checkbox"/> PARTY WITHOUT ATTORNEY) * 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</p>	
<p>3. TO THE CLERK: Consent to the above dismissal is hereby given. Date:</p>	
<p>(TYPE OR PRINT NAME OF <input type="checkbox"/> ATTORNEY <input checked="" type="checkbox"/> PARTY WITHOUT ATTORNEY) * If item 1a(3) is checked, all parties must sign. If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j). <input type="checkbox"/> Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.</p>	
<p>4. <input type="checkbox"/> Dismissal entered as requested on (date): 5. <input type="checkbox"/> Dismissal entered 6. <input type="checkbox"/> Dismissal not entered</p>	
<p>7. a. <input type="checkbox"/> Attorney or party b. <input type="checkbox"/> Attorney or party <input type="checkbox"/> a copy</p>	
<p>Date: _____ Clerk, by _____, Deputy</p>	
<p>REQUEST FOR DISMISSAL</p>	
<p>Code of Civil Procedure, § 581 et seq.; Government Code, § 59637(c); Cal. Rules of Court, rule 3.1390 www.courts.ca.gov</p>	

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

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

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] REQUEST FOR DISMISSAL Page 2 of 2

Request for Entry of Default and Court Judgment

ATTORNEY OR PARTY WITHOUT ATTORNEY:

NAME: Paul Sample
FIRM NAME:
STREET ADDRESS: 2038 Donner Dr.
CITY: Sacramento STATE: CA ZIP CODE: 95828
TELEPHONE NO.: 916-123-4567 FAX NO.:
EMAIL ADDRESS:
ATTORNEY FOR (name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
STREET ADDRESS: 720 Ninth Street
Ninth Street
Sacramento, CA 95814

Plaintiff: Paul Sample
Defendant: Peter Perpetrator and DOES 1-10

CIV-100

FOR COURT USE ONLY

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

d. I request a court judgment under Code Civ. Proc., § 585(a), (names):
(Testimony required. Apply to the Code Civ. Proc., § 585(a).) Defendant

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 Prejudgment 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.**

	Amount	Balance
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 (code of civil procedure section 1174.1).

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)

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

CIV-100

Plaintiff/Petitioner: Paul Sample Defendant/Respondent: Peter Perpetrator and DOES 1-10	CASE NUMBER: 34-2020-00123456
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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).** 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, by (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 Print name and date. Signature

Paul Sample (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 Print name and date. Signature

Paul Sample (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)

CIV-100

Plaintiff/Petitioner: Paul Sample Defendant/Respondent: Peter Perpetrator and DOES 1-10	CASE NUMBER: 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 in Support of Default Judgment

1 Paul Sample
2 2036 Donner Drive
3 Sacramento, CA 95826
4 916-123-4567
5 Plaintiff, In Pro Per

6
7
8

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11 Paul Sample)
12 Plaintiff(s),)
13 vs.)
14 Peter Perpetrator,)
15 Defendants)

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27)
28)

Case No.: 34-2011-00012345

DECLARATION OF PAUL SAMPLE IN
SUPPORT OF APPLICATION FOR
DEFAULT JUDGMENT PURSUANT TO
CCP §585(d)

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:

DESCRIPTION OF CASE

1. On, or about, March 17, 2009 my car was parked in front of my residence on
Donner Drive when Defendant negligently and recklessly lost control of his car
causing it to swerve into my car, resulting in heavy damages. As a result of
Defendant's negligence my car sustained damages in an amount of \$15,000.00.
2. As I only carried liability insurance I was not covered for any damages my
vehicle sustained through my insurance company and had to pay out of pocket
for the repairs.

1
Declaration in Support of Judgment

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

Case Number

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

Insert name of document.

Provide a detailed description of your case, so the judge understands the facts.

Insert name of document in footer.

Declaration in Support of Default Judgment (page 1)

- 1 3. Even though I requested insurance information Defendant refused to admit or
2 deny whether he had any insurance coverage in which to pay for the damages
3 to my vehicle.
- 4 4. I called the police and when they came to the scene it was determined that
5 Defendant was at fault for the damages to my vehicle. Defendant was also cited
6 for traffic violations.
- 7 5. In an attempt to get my car back up and running I proceeded to get estimates of
8 how much the repairs would cost. Upon receipt of those estimates I sent copies
9 to Defendant, as Defendant lived on my same street and I knew his home
10 address.
- 11 6. After I had not heard from Defendant in a reasonable amount of time I took my
12 vehicle to the company with the lowest estimate to have the repairs done.
- 13 7. Defendant has failed and continues to fail to reimburse me for the damages to
14 my vehicle despite numerous demands.

15
16 EVIDENCE SUPPORTING JUDGMENT

- 17 8. Plaintiff's vehicle and Defendant's vehicle were involved in a collision.
18 Plaintiff's vehicle, a 2010 Honda Accord, was struck by Defendant's vehicle.
19 The damages to Plaintiff's vehicle were so severe that Plaintiff had to pay for
the repairs and for a rental vehicle until the Plaintiff's vehicle was repaired, for
an approximate amount of \$15,000.00. Attached as Exhibit "A" is a copy of the
estimate from AAA Auto Repair, as Exhibit "B" a copy of the estimate from Sac
Valley Auto Repair, as Exhibit "C" a copy of the estimate from Nakano's Auto
Body Shop, as Exhibit "D" a copy of the invoice for the rental car from
Enterprise Rent-A-Car, and as Exhibit "E," a copy of the Police Report which
was made at the time of the accident. Plaintiff took the vehicle to Nakano's
Auto Body Shop for the repairs as it was the most reasonably priced estimate.

Be sure to clearly
describe any
Exhibits you are
attaching to this
declaration.

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Declaration in Support of Judgment

Declaration in Support of Default Judgment (page 2)

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Make an Exhibit page for each document you reference as an Exhibit in your Declaration in Support of Default Judgment.

Important: Sacramento County Superior Court requires that the Exhibit pages in **one** of your sets of copies be on a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibit pages for the original and other copies may be on pleading paper with "Exhibit A" typed on the bottom, above the footer.

Note: The Law Library sells card stock and tabs at the Circulation Desk.

Exhibit A

Declaration in Support of Default - 3

Declaration in Support of Default Judgment (page 4-Exhibit A)

Declaration re: Interest

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, address, telephone number, and e-mail address) MC-030</p> <p>Paul Sample 2036 Donner Drive Sacramento, CA 95826</p> <p>TELEPHONE NO.: 916-123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): In Pro Per</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</p> <p>STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil</p> <p>PLAINTIFF/PETITIONER: Paul Sample DEFENDANT/RESPONDENT: Peter Perpetrator</p>	<p>FOR COURT USE ONLY</p>
<p>DECLARATION 34-2011-00012345</p>	

DECLARATION RE: INTEREST

This lawsuit arises from a motor vehicle accident that occurred on March 17, 2009. The plaintiff's vehicle sustained \$15,000 in damages.

Pre-judgment interest is calculated as follows:

Simple interest at 10% annually from March 17, 2009 on \$15,000 = \$4.11 per day x 806 days = \$3312.66

Total pre-judgment interest claimed=\$3312.66

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

Date: 5/31/2011

Paul Sample

(SIGNATURE OF DECLARANT)

Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

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

DECLARATION

Declaration re: Interest (MC-030)

Judgment

JUD-100

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
Paul Sample
 2036 Donner Drive
 Sacramento, CA 95826
 TELEPHONE NO.: 916-123-4567 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): **In Pro Per**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
 STREET ADDRESS: 720 Ninth Street
 MAILING ADDRESS: 720 Ninth Street
 CITY AND ZIP CODE: Sacramento, CA 95814
 BRANCH NAME: Civil

PLAINTIFF: **Paul Sample**
 DEFENDANT: **Peter Perpetrator**

JUDGMENT
 By Clerk
 By Court
 By Default
 On Stipulation
 After Court Trial
 Defendant Did Not Appear at Trial

CASE NUMBER: 34-2011-00012345

Case Number

JUDGMENT

BY DEFAULT

a. Defendant was properly served with a copy of the summons and complaint.
 b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 c. Defendant's default was entered by the clerk upon plaintiff's application.
 d. Clerk's Judgment (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 e. **Court Judgment (Code Civ. Proc., § 585(b)). The court considered:**
 (1) plaintiff's testimony and other evidence.
 (2) plaintiff's written declaration (Code Civ. Proc., § 585(b)(2)).

Check 1, "By Default," 1e, "Court Judgment," & 1e(2), "plaintiff's written declaration."

2. **ON STIPULATION**

a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 b. the signed written stipulation was filed in the case.
 c. the stipulation was stated in open court the stipulation was stated on the record.

3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.

a. The case was tried on (date and time):
 before (name of judicial officer):

b. Appearances by:

<input type="checkbox"/> Plaintiff (name each):	<input type="checkbox"/> Plaintiff's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> Defendant (name each):	<input type="checkbox"/> Defendant's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	

c. Defendant did not appear at trial. Defendant was properly served with notice of trial.

d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

Form Approved for Optional Use
 Judicial Council of California
 JUD-100 (New January 1, 2002)

JUDGMENT

Page 1 of 2
 Code of Civil Procedure, §§ 585, 664.6

Judgment (JUD-100) (page 1)

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

Case Number

PLAINTIFF: Paul Sample
DEFENDANT: Peter Perpetrator

34-2011-00012345

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

4. Stipulated Judgment. Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

a. for plaintiff (name each): Paul Sample
and against defendant (names): Peter Perpetrator
 Continued on Attachment 5a.

b. for defendant (name each):

c. for cross-complainant (name each):
and against cross-defendant (name each):
 Continued on Attachment 5c.

d. for cross-defendant (name each):

Check 5a and insert your name and the Defendant's name as they appeared on the Complaint.

Check "The Court"

6. **Amount.**

a. Defendant named in item 5a above must pay plaintiff on the complaint:

(1) <input checked="" type="checkbox"/> Damages	\$ 15,000
(2) <input checked="" type="checkbox"/> Prejudgment interest at the annual rate of 10 %	\$ 3312.66
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input checked="" type="checkbox"/> Costs	\$ 430
(5) <input type="checkbox"/> Other (specify):	\$
(6) TOTAL	\$ 18,742.66

b. Plaintiff to receive nothing from defendant named in item 5a.
 Defendant named in item 5b to recover costs \$ and attorney fees \$

c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (specify):	\$
(6) TOTAL	\$

d. Cross-complainant to receive nothing from cross-defendant named in item 5c.
 Cross-defendant named in item 5d to recover costs \$ and attorney fees \$

7. Other (specify):

Date: _____ JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____

Clerk, by _____, Deputy

Page 2 of 2

JUDGMENT

JUD-100 (New January 1, 2002)

Judgment (JUD-100) (page 2)

Date Created
03/30/2023