

Request a Default 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.legislature.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.

Templates and Forms

- Request for Entry of Default (CIV-100) (https://www.courts.ca.gov/documents/civ100.pdf)
- Judgment of Default by Court (CV/E-122) Sacramento Cases Only (https://www.saccourt.ca.gov/forms/docs/cv-122.pdf)
- Judgment (JUD-100) Non-Sacramento Cases Only (https://www.courts.ca.gov/documents/jud100.pdf)
- Request for Dismissal (CIV-110) (https://www.courts.ca.gov/documents/civ110.pdf)
- Declaration re: Accrual of Interest (MC-030) (https://www.courts.ca.gov/documents/mc030.pdf)
- Declaration in Support of Request for Default by Court RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-request-adefault-judgment-by-court-declaration.rtf)
- <u>Statement of Damages (CIV-050) (https://www.courts.ca.gov/documents/civ050.pdf)</u>

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. <u>We have a separate guide for that;</u> (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").



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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 (<u>CCP § 415.20(a)</u> (https://legista.tegista

(https://leginfo.legislature.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 <u>Request for Entry of Default (CIV-100) (http://www.courts.ca.gov/documents/civ100.pdf)</u> 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)
- Judgment by Default by Court (CV/E-122)_(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) or your local form)
- <u>Request for Dismissal (CIV-110) (http://www.courts.ca.gov/documents/civ110.pdf)</u>, if dismissing other parties (see Step 4)
- Declaration re: Accrual of Interest (MC-030) (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/wpcontent/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/)

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 <u>Request for Dismissal (CIV-110) (https://www.courts.ca.gov/documents/civ110.pdf)</u>. A sample filledin 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 <u>Declaration (MC-030)</u> (https://www.courts.ca.gov/documents/mc030.pdf) for this declaration. A sample is included at the end of this Guide, which

(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. <u>Civ § 3287(c)</u> (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 x 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 <u>perjury</u> (<u>https://www.saclaw.org/glossary/perjury/</u>) in support of your application. <u>CCP § 585(d)</u>. (<u>https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=585.&lawCode=CCP</u>)

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/)" 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/wpcontent/uploads/2015/03/sbs-request-a-default-judgment-by-court-declaration.rtf)

If you prefer, you may use <u>Declaration (MC-030) (http://www.courts.ca.gov/documents/mc030.pdf)</u> and attach <u>Attachment to</u> Judicial Council Form (MC-025) (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 <u>Proof of Service by Mail (POS-030)</u> (http://www.courts.ca.gov/documents/pos030.pdf)

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. Make two photocopies of the signed proof of service. See our Step-by-Step guide on <u>Serving Documents by</u> <u>Mail (https://saclaw.org/resource_library/serving-documents-by-mail/)</u> 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).

If needed, you must also file:

- Copy of written contract, with cover sheet (use <u>Declaration (MC-030) (http://www.courts.ca.gov/documents/mc030.pdf)</u> 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 <u>Civil Document Drop-Off Sheet (http://www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf)</u>, 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 <u>Proof of Service by Mail (POS-030) (http://www.courts.ca.gov/documents/mc030.pdf)</u>. 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 Relief from Default (Set-Aside) (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/) 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 legal issues. All assistance is provided by telephone. Visit <u>"What we can help with</u> (https://saclaw.org/services/civil-self-help/#canhelp)" for a list of qualifying cases.

Eligibility: Must be a Sacramento County resident or have a <u>qualifying case (https://saclaw.org/services/civil-self-help/#who)</u> 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) (Self Help) Chap. 9

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

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This information is not legal advice. Your case may need additional or different actions.



Chap. 38 Electronic Access: On the Law Library's computers, using *OnLaw*.



Samples

Request for Dismissal (if needed)

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBE	R:	FOR COURT	URE ONLY
NAME: Paul Sample FIRM NAME: STREET ADDRESS: 2036 Donner Dr.	-		Your name, address, an number. "In Pro Per" me	d phone eans you
CITY: Sacramento TELEPHONE NO.: 916-123-4567	STATE: CA Z FAX NO.:	IP CODE: 95826		
EMAIL ADDRESS: ATTORNEY FOR (name): In Pro Per				
SUPERIOR COURT OF CALIFORNI	A, COUNTY OF SACRAMENTO			
STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA	Court name, addre 95814 and branch.	ess,		
BRANCH NAME: CIVII		Your name a	nd the defendant's name	- 1
PLAINTIFF/PETITIONER: Pau DEFENDANT/RESPONDENT: Pete	I Sample er Perpetrator and DOES 1-10	as they appe	ar on the complaint.	
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A conformed copy will not b	e returned by the clerk unle	Check "Without n	rejudice " This means that	VOU
This form may not be used f class action. (Cal. Rules of (for dismissal of a derivative Court, rules 3.760 and 3.770.	could re-file your necessary. "With	case against this defendan prejudice" would prevent y	t if in a ou from
a. (1) With prejudice	(2) X Without prejudice	(3) Wi	ithout prejudice and with the c	court retaining
b. (1) Complaint	(2) Petition Check "	Other" and enter	"DOES 1 to x ONLY."	104.0)
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			Your name and the defendant's name				CI1/ 440
PLAINTIEE/PE		I Sample	as they appear on the complaint.	CASE	NUMBER		CIV-110
DEFENDANT/RES	PONDENT: Pet	er Perpetra	ator and DOES 1-10	34-2	020-00123456	Case Nur	nber
Mark box 2a.	C(a party whose c ore in value by v eans, the court h lien is satisfied ed court fees at	DURT'S R ourt fees ar way of settle has a statut d. (Gov. Co Dec nd costs in	ECOVERY OF WAIVED COURT FEE nd costs were initially waived has recovered ement, compromise, arbitration award, med tory lien on that recovery. The court may re de, § 68637.) laration Concerning Waived Court this action for (name):Paul Sample	S AND d or will r diation se fuse to d	COSTS ecover \$10,000 of ttlement, or othe ismiss the case of Name of perso fees were wait	or r until on whose ved.]
2. The person ha	med in item 1 is	Check on	e below)				
a not n	ecovering anyth	ing of value	e by uns action.				
D. reco	vering less than	1 310,000 in	value by this action.	itam 2	wat he complete	- 1	
c. reco	vening \$10,000	or more in	value by this action. (If item 20 is checked,	nem 3 m	ust be complete	1.)	
3. All court fees a	nd court costs t	that were w	vaived in this action have been paid to the c	ourt (che	eck one)	Yes 🔲	No
I declare under pe Date: 5/23/2021 Paul Sample (TYPE OR PRINT NAME O	Print name an	under the la id date; che	aws of the State of California that the infom eck "Party Making Declaration."	nation al: Signatu	ove is true and o ire (signature)	correct.	5
		If yo con fees con	our filing fees were waived, you mun nplete this page of the form. If your s were not waived, you do not need nplete the second page of this form	ust d to n.			
CIV-110 [Rev. January 1, 20	125]		REQUEST FOR DISMISSAL				Page 2 of 2
	Re	quest	for Dismissal (CIV-110)	(pag	e 2)		



Request for Entry of Default and Court Judgment



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



Disintiff/Det	Honor: Paul Sample		CASE NUMBER:	CIV-10
Defendant/Respo	ondent: Peter Perpetrator and DOE	S 1-10	34-2020-00123456	
 Legal docum unlawful detai received any a. Assistant's b. Street add 	ent assistant or unlawful detaine ner assistant did x did help or advice for pay from a legal s name: Iress, city, and zip code:	er assistant (Bus. & Prof. not for compensation give Check "did not."	Code, § 6400 et seq.). A legal docume advice or assistance with this form. If wful detainer assistant, state: c. Telephone no.: d. County of registration:	nt assistant or declarant has
		Check appropriate boxes in 5a,	e. Registration no.: f. Expires on <i>(date):</i>	
5. x Declara	tion under Code Civ. Proc., § 58	55 (far. 5b, and 5c. 9	er Code Civ. Proc., § 585(a)). This action	n
ais bis cis	X is not on a conditional sales X is not on a conditional sales and Finance Act). x is not on an obligation for gradient	Ilment sale for goods or ser s contract subject to Civ. Co oods, services, loans, or ex	vices subject to Civ. Code, § 1801 et s ode, § 2981 et seq. (Rees-Levering Mot tensions of credit subject to Code Civ.	eq. (Unruh Act). tor Vehicle Sale Proc., § 395(b).
6. Declaration o a not	f mailing (Code Civ. Proc., § 587 mailed to the following defendants). A copy of this Request for Check box next to 6 name of defendant, a	or <u>Entry of Default was</u> o and insert date of mailing, y (r and address where served.	names):
b. 🗙 mai toe	led first-class, postage prepaid, in a ach defendant's last known addrea	a seried envelope address as follows:	ed to each defendant's attorney of reco	rd or, if none,
(1) Mail	ed on (date): 5/23/2021	(2) To (s) Peter 11 Ma	pecify names and addresses shown on Perpetrator ain St. #22	the envelopes).
I declare under pe Date: 5/23/2021	Print name and date.	he State of California that the	he foregoing items 4, 5, and 6 are true a	and correct.
I declare under pe Date: 5/23/2021 7. Memorandun § 1033.5): a. Clerk's fili	Print name and date. Paul Sample (TYPE OR PRINT NAME) nof costs (required if money judgr	he State of California that the state of California that the state of	e foregoing items 4, 5, and 6 are true a Signature (SIGNATURE OF DECLARANT) disbursements are as follows (Code C	iv. Proc.,
l deolare under pe Date: 5/23/2021 7. Memorandun § 1033.5): a. Clerk's fili b. Process s c. Other (opt d. e. TOTAL	Print name and date. Paul Sample (TYPE OR PRINT NAME) In of costs (required if money judgr ng fees erver's fees ecify):	he State of California that the state of California that the state of california that the state of the state	e foregoing items 4, 5, and 6 are true a Signature (BIRNATURE OF DECLARANT) I disbursements are as follows (Code C Amount paid for filing and process server fees; total.	iv. Proc.,
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I declare under pe Date: 5/23/2021 7. Memorandun § 1033.5): a. Clerk's fili b. Process s c. Other (spe d. e. TOTAL . f. Cosi g. I am the al correct an I declare under pe Date: 5/23/2021	Print name and date. Paul Sample (TYPE OR PRINT NAME) an of costs (required if money judgr ing fees erver's f	he State of California that the state of California that the ment requested). Costs and \$385.00 \$3 \$45.00 \$\$ \$445.00 \$\$ \$445.00 \$\$ \$445.00 \$\$ \$\$ \$445.00 \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$	In the foregoing items 4, 5, and 6 are true a Signature (SIGNATURE OF DECLARANT) I disbursements are as follows (Code C Amount paid for filing and process server fees; total. In the foregoing item 7 Signature of DECLARANT) (SIGNATURE OF DECLARANT)	iv. Proc.,



Plaintiff/Petitioner: Paul Sample	CASE NUMBER:
fendant/Respondent: Peter Perpetrator and DOES 1-10	34-2020-00123456
Declaration of nonmilitary status (required for a judgment). No defendant/respondent named in item 1c is in the military service of the Unite Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Cou I know that no defendant/respondent named in item 1c is in the U.S. military ser a. X the search results that I received from <u>https://acra.dmdc.ocd.mil/</u> say th service. b. I am in regular communication with the defendant/respondent and know c. I recently contacted the defendant/respondent, and they told me that th I know that the defendant/respondent was discharged from U.S. military	d States as defined by either the Servicememb de sections 400 and 402(f). vice because (check all that apply): he defendant/respondent is not in the U.S. milit w that they are not in the U.S. military service. reg are not in the U.S. military service. v service on or about (date):
e. the defendant/respondent is not eligible to serve in the U.S. military be	cause they are:
incarcerated a business entity	
f other (specify):	You must verify that the defendant isnot currently in the military before obtaining a judgment by default.
	Chaosa the bay that
N -7	explains how you
 U.S. military status can be checked online at https://scra.dm/do.ord.mil/ 	learned that defendant
 If the defendant/respondent is in the military service, or their military state 	atus is undin the military.
is entitled to certain rights and protections under federal and state law to	before a red.



Declaration in Support of Default Judgment



Declaration in Support of Default Judgment (page 1)



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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
Be sure to cle	the repairs and for a rental vehicle until the Plaintiff's vehicle was repaired, for
Exhibits you a	re an approximate amount of \$15,000.00. Attached as Exhibit "A" is a copy of the
declaration.	estimate from AAA Auto Repair, as Exhibit "B" a copy of the estimate from Sac
23	Valley Auto Repair, as Exhibit "C" a copy of the estimate from Nakano's Auto
24	Body Shop, as Exhibit "D" a copy of the invoice for the rental car from
25	Enterprise Rent-A-Car, and as Exhibit "E," a copy of the Police Report which
26	was made at the time of the accident. Plaintiff took the vehicle to Nakano's
27	Auto Body Shop for the repairs as it was the most reasonably priced estimate.
28	
	2 Declaration in Support of Judgment
	Declaration in Support of Judgment

Declaration in Support of Default Judgment (page 2)







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



Declaration re: Interest

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Su Paul Sample 2036 Donner Drive Sacramento, CA 95826	Your name, number. "In representing	address, and phone Pro Per" means you a g yourself.	re	R COURT USE ONLY	
TELEPHONE NO.: 916-123-4567 S-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	FAX NO. (Optional)			_	
SUPERIOR COURT OF CALIFORNIA, COU STREET ADDRESS. 720 Ninth Stree MAILING ADDRESS. 720 Ninth Stree CITY AND ZIP CODE. Sacramento, CA BRANCH NAME. Civil	NTY OF Sacramento t t A 95814	Court nam and branc	ne, addres h.	S,	
PLAINTIFF/PETITIONER: Paul Samp DEFENDANT/RESPONDENT: Peter Perp	ble etrator	Your name and the as they appear on	e defenda the compl	nt's name aint.	
DEC			34-20	011-0001234:	5
DECLARATION RE: INTEREST					
ustained \$15,000 in damages. Pre-judgment interest is calculated	as follows:				
	om March 17, 2009 o	n \$15,000 = \$4,11 per c	day y 806	1 62212	
Simple interest at 10% annually fre Fotal pre-judgment interest claime	d=\$3312.66	51 913,000 - 94.11 per e	uay x 800	days = \$3312	2.66
Simple interest at 10% annually fr	d=\$3312.66	ан это _л оос – эч.ттра с	uay x 800	days = 53312	2.66
Total pre-judgment interest claime Total pre-judgment interest claime I declare under penalty of perjury under Date: 5/31/2011 Paul Sample	d=\$3312.66	California that the foregoing is	s true and co	rrect.	
Total pre-judgment interest claime Total pre-judgment interest claime I declare under penalty of perjury under Date: 5/31/2011 Paul Sample Print name	d=\$3312.66 r the laws of the State of and date.	California that the foregoing it	s true and co URE OF DECLARA aintiff P	rrect.	Defendant
Total pre-judgment interest claime Total pre-judgment interest claime I declare under penalty of perjury under Date: 5/31/2011 Paul Sample Print name TriAgenue to Optional Use. Scool (Rev. January 1, 2006)	d=\$3312.66 r the laws of the State of and date.	California that the foregoing is California that the foregoing is Califo	s true and co	rrect.	Defendant rk box.

Declaration re: Interest (MC-030)



Judgment

ibut H-OUL	cial Council of Catifornia 00 [New January 1, 2002]	JUUGMENT	Code of Chill Procedure, §5 365, 664 6
Form	a A statement of decision (Code (CIV. Proc., § 632) was not	was requested. Page 1 of 2
	c. Defendant did not appear at trial	ii. Detendant was properly served wit	n notice of trial.
	Continued on Attachment 3b.		
	(2)		(2)
	Defendant (name each): (1)		Defendant 's attorney (name each): (1)
	Continued on Attachment 3b.		
	(2)		(2)
	Plaintiff (name each): (1)		Plainter's attorney (name each): (1)
	b. Appearances by:		
	 The case was tried on (date and time, before (name of judicial officer); 	»):	
3.	AFTER COURT TRIAL. The jury was wa	aived. The court considered the evide	ince.
	b. the stipulation was stated in oper	areo, that a judgment be entered in th as filed in the case. en court the stipulation was	stated on the record.
2.	ON STIPULATION	write	ten declaration."
	(1) plaintiffs testimony on (2) Vaintiffs written decla	aration (Code Civ. Proc., § 58	e(2), "plaintiff's
	this state for the recovery of mon	ney. bc., § 585(b)). The court core	ck 1, "By Default,"
	 b. Defendant failed to answer the completion of the c	aint or appear and defend the action v e clerk upon plaintiff's application. \$ 585(a)). Defendant was sued	within the time allowed by law.
	a. Defendant was properly served with a	JUDGMENT	
		Appear at Trial	Case Number
	By Clerk Sy Default	After Court Trial	34-2011-00012345
nd "By Default	" ENDANT: Peter Perpetrator Y	our name and the defendant	CASE NUMBER:
heck "By Cour	t" LAINTIFF: Paul Sample		
	CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	Court name, add and branch.	tress,
SUF	STREET ADDRESS: 720 Ninth Street	Sacramento	
EA	MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per		
Sa	астательно, СА 95826 телерноме но: 916-123-4567	yourself.	
20	036 Donner Drive	means you are repres	o Per" senting





Judgment (JUD-100) (page 2)