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MEMORANDUM OF COSTS AFTER JUDGMENT

Adding Costs and Interest to a Judgment

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at saclaw.org/memo-costs-after-judgment.

BACKGROUND

The amount recoverable by a judgment creditor includes the total amount of the judgment entered by the court, plus any costs incurred after judgment and accrued interest on the total amount.

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve a *Memorandum of Costs After Judgment* (MC-012). On this form, the judgment creditor must include the exact amount of all allowable costs, as well as the amounts credited toward the principal and interest, and the amount of accrued interest.

Costs

Under [California Code of Civil Procedure \(CCP\) § 685.040](#), a judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. The law provides a detailed list of the types of costs that can be recovered, including the costs of issuing the writ of execution; levying officers’ fees for processing writs or levies; debtor’s examination fees; and fees for preparing, issuing and recording an abstract of judgment or notice of lien ([CCP § 685.050 et seq.](#)). Attorneys’ fees related to the enforcement of a judgment are generally not reimbursable, unless specifically allowed by law, or the underlying judgment includes an award of attorney’s fees ([CCP § 685.040](#)). The law does not provide for reimbursement of costs such as postage, photocopying, or long-distance telephone charges, nor can the judgment creditor be compensated for his or her time or mileage related to enforcement efforts. Once approved by the court, costs become part of the judgment ([CCP § 685.090](#)). To be reimbursable, costs must be reported to the court within two years of being incurred ([CCP § 685.070\(b\)](#)). For this reason, many judgment creditors regularly file a *Memorandum of Costs After Judgment* (MC-012) with the court.

Interest

Unpaid judgment amounts accrue interest at the legal rate of 10% per year ([CCP § 685.010](#); 7% if the judgment debtor is a state or local government entity, [California Constitution, Article XV, §1](#)). Costs approved by the court are included as part of the judgment amount, and thus accrue interest.

You may also need....

- [Abstract of Judgment](#)
- [Bank Levy](#)
- [Renewal of Judgment](#)
- [Wage Garnishment](#)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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Additionally, upon renewal of a judgment, the unpaid judgment amount and accrued interest are calculated to determine the renewed judgment amount. For this reason, many judgment creditors will renew a judgment as soon and as frequently as possible, *i.e.*, every five years. For more information, see the Step-by-Step guide on Renewal of Judgments on our website at saclaw.org/renew-judgment. Interest begins to accrue on the day the judgment is entered. [CCP § 685.020\(a\)](#). If the judgment is payable in installments, interest accrues from the date each installment is due.

Crediting payments

Payments received by the judgment creditor must be credited in the specific order detailed in [CCP § 695.220](#). Payments are credited first toward costs incurred by the levying officer under [CCP § 685.050\(b\)](#) (e.g., the fees associated with processing a writ of execution). After that, payments are credited toward fees due to the court under [California Government Code \(Govt Code\) § 6103.5](#) (court fees waived because a party was a government entity) or [Govt Code § 68637](#) (waived filing fees). Payments are then credited toward accrued interest, and lastly toward the principal judgment amount.

STEP-BY-STEP INSTRUCTIONS

Step 1: Calculate Your Costs and Interest

On your *Memorandum of Costs After Judgment* (MC-012), you must include the exact amount of all costs you've incurred, as well as the amounts credited toward the principal and interest, and the amount of accrued interest. This means you are responsible for calculating these amounts. This can be easy to calculate if the judgment is paid in a lump sum, but becomes complicated if smaller payments are made over time.

The California Courts' [Information Sheet for Calculating Interest and Amount Owed on a Judgment \(MC-013-INFO\)](#) provides detailed instructions for making these calculations by hand. However, it is much easier to use the San Diego Superior Court's free online program that will calculate the amount due on a specific day. All you do is input the judgment amount, date, and payment history, and the program does all the calculations for you. The calculator is available at jcalc.sdcourt.ca.gov/Disclaimer.aspx.

Step 2: Complete and Copy Your Form

The Judicial Council form used in this procedure is:

- [Memorandum of Costs After Judgment \(MC-012\)](#)
<http://www.courts.ca.gov/documents/mc012.pdf>

A sample completed form with instructions is included at the end of this Guide.

Make one (1) photocopy of the completed form.

Step 2: Serve Your Memorandum of Costs After Judgment

Have the photocopy of your *Memorandum of Costs After Judgment* (MC-012) served on the judgment debtor, either personally or by mail. Service must be made by someone over 18 who is not a party to your case. After service, your server must complete the proof of service on the second page of the *Memorandum of Costs After Judgment* (MC-012).

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Step 3: Make Photocopies

Make two (2) photocopies of the *Memorandum of Costs After Judgment* (MC-012) with the signed proof of service.

Step 4: File Your Documents

File the original and two photocopies of your *Memorandum of Costs After Judgment* (MC-012). In Sacramento County, these will be filed in the drop box in room 102 of the Gordon D. Schaber Courthouse at 720 Ninth Street in downtown Sacramento. Fill out and attach the [Civil Document Drop-Off Sheet](#) and date stamp the back of the original document. Provide the court with a self-addressed stamped envelope with sufficient postage to facilitate the return of your documents to you. The court will process the paperwork, and return the two photocopies, stamped "Endorsed/Filed," to you. The court will retain the original papers for its file.

The *Memorandum of Costs After Judgment* (MC-012) may be filed as a stand-alone document, or along with another document such as a *Writ of Execution* (EJ-130) or an *Application for and Renewal of Judgment* (EJ-190). If filed with another document, the other document can be issued immediately if your claimed costs are less than \$100. If your costs are more than \$100, the clerk will wait 10 days (15 days, if served by mail) to issue your document, to allow the judgment debtor to oppose your costs by filing a Motion to Tax Costs ([CCP § 685.070](#)). If the debtor does not contest it, your *Memorandum of Costs After Judgment* (MC-012) is automatically approved.

Step 5: Oppose the Debtor's Motion to Tax Costs, if Filed

If the debtor files a Motion to Tax Costs, you will be served with a copy of the motion. If you choose to oppose the motion, you must act quickly. Your response must be filed and served at least nine court days before the scheduled hearing date. For more information on opposing a Motion to Tax Costs, see *California Points and Authorities* [KFC 1010 .B4](#) (Ready Reference) Chapter 60, available electronically on the Law Library's computers, using *Lexis Advance*.

FOR HELP

Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. Appointments will be made beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment setting drawing.

Eligibility: Must be a Sacramento County resident or have a [qualifying case](#) in the Sacramento County Superior Court.

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FOR MORE INFORMATION

At the Law Library:

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#) (Ready Reference) Chap. 174

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

California Practice Guide: Enforcing Judgments and Debts [KFC 1065 .A9 S3](#) Chap. 6

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

How to Collect When You Win a Lawsuit [KFC 1065 .Z9 H69](#) (Self Help) Chap.16

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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11/18 mpj

ATTACHMENTS: FORMS AND INSTRUCTIONS

The Judicial Council form commonly used in this procedure is:

- [Memorandum of Costs After Judgment \(MC-012\)](#)
<http://www.courts.ca.gov/documents/mc012.pdf>

A sample filled-in form with instructions is available at the end of this Guide.

MC-012

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Calvin J. Creditor FIRM NAME: STREET ADDRESS: 2036 Donner Drive CITY: Sacramento STATE: CA ZIP CODE: 95826 TELEPHONE NO.: 916-123-4567 FAX NO.: E-MAIL ADDRESS: crc Creditor@email.com ATTORNEY FOR (Name): In Pro Per</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: Calvin J. Creditor Defendant: Doug J. Debtor</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</p>	
<p>CASE NUMBER: 14-0012345678</p>	<p>Case Number.</p>

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

Court name, address, and branch.

Plaintiff's and Defendant's names as they appeared on the Complaint.

Case Number.

If you have incurred any post-judgment costs, check this box and list the dated and amounts.

1. **Postjudgment costs**

a. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):

	Dates Incurred	Amount
(1) Preparing and issuing abstract of judgment	2/7/2016	\$ 25
(2) Recording and indexing abstract of judgment	2/15/2016	\$ 21
(3) Filing notice of judgment lien on personal property		\$
(4) Issuing writ of execution to effect not satisfied by Code Civ. Proc., § 905.050 (specify county):	6/17/2016	\$ 85
(5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
(6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
(7) Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$
(8) Other: (Statute authorizing cost):		\$
(9) Total of claimed costs for current memorandum of costs (add items (1)-(8))		\$

b. All previously allowed postjudgment costs \$

c. Total of all postjudgment costs (add items a and b) \$ 131

Total of lines a-h.

2. **Credits to interest and principal**

a. I acknowledge total payments to date in the amount of: \$ 2400 (including returns on levy process and direct payment). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$ 2194.60 credit to judgment principal \$ 205.36

b. **Principal remaining due:** The amount of judgment principal remaining due is \$ 11794.64 See Code Civ. Proc., § 680.33

3. **Accrued interest remaining due:** I declare interest accruing (at the legal rate) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal) remaining due in the amount of \$939.59

4. I am the: judgment creditor agent for the judgment creditor attorney for the judgment creditor.
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are true, reasonable, and necessary, and have not been satisfied.
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 7/2017

Fill in amounts as appropriate. See the next page for instructions for determining these amounts using the San Diego Superior Court's judgment calculator.

Check Judgment Creditor.

Calvin J. Creditor (TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NOT A DEBTOR

If this memorandum of costs is filed at the same time as a writ of execution, any statutory costs, not exceeding \$100 in aggregate and not already allowed by the court, may be disallowed by the court upon motion of the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

Enter your name, date and sign.

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Superior Court of California, County of San Diego - Judgment Calculator

Judgment Information (Required) [User Guide](#)

Judgment Amount <input type="text" value="12000"/>	Interest Rate <input type="text" value="10.0000"/> %	Judgment Date <input type="text" value="05/08/2015"/>	End Date <input type="text" value="12/17/2017"/>
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Payment and/or Cost (Optional) Hide

Date Payment Amount Cost

Date	Payment	Cost	Days	Newly- Accrued Interest	Unpaid Interest	Interest Reduction	Principal Reduction	Principal Balance	
02/07/2016	0.00	25.00	275	904.12	904.12	0.00	0.00	12,025.00	Edit
02/15/2016	0.00	21.00	8	26.36	930.48	0.00	0.00	12,046.00	Edit
03/12/2016	1,000.00	0.00	26	85.81	16.29	1,000.00	0.00	12,046.00	Edit
06/17/2016	0.00	85.00	97	320.13	336.42	0.00	0.00	12,131.00	Edit
08/02/2016	250.00	0.00	46	152.89	239.31	250.00	0.00	12,131.00	Edit
09/01/2016	250.00	0.00	30	99.71	89.02	250.00	0.00	12,131.00	Edit
10/03/2016	250.00	0.00	32	106.36	0.00	195.38	54.62	12,076.38	Edit
11/02/2016	250.00	0.00	30	99.26	0.00	99.26	150.74	11,925.64	Edit
05/14/2017	100.00	0.00	193	630.59	530.59	100.00	0.00	11,925.64	Edit
07/16/2017	300.00	0.00	63	205.84	436.43	300.00	0.00	11,925.64	Edit

1 Add up the amount of all payments received to date.

Results

Judgment Amount	12000	Daily Interest	\$3.2673	Days	<input type="text" value="154"/>
Principal Reduction	\$205.36	Interest Accrued	\$503.16		
Principal Balance	\$11,794.64	Interest to Date	\$436.43	GRAND TOTAL	
Costs After Judgment	\$131.00	Total Interest	\$939.59		<input type="text" value="\$12,865.23"/>

- 2** **Credit to Accrued Interest:** To determine the amount credited toward interest, subtract the principal reduction amount (the amount shown in **3**) from the total amount paid to date (the amount shown in **1**)
- 3** **Credit to Judgment Principal:** The amount of payments that have gone toward the principal judgment amount. This is shown as the “Principal Reduction” in the calculator.
- 4** **Judgment Principal Remaining Due:** The amount remaining unpaid on the principal judgment amount. This is shown as the “Principal Balance” in the calculator.
- 5** **Accrued Interest Remaining Due:** The amount of interest that remains unpaid as of the date of the Memorandum of Costs. This is shown as the “Total Interest” in the calculator.

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Case name, usually the last names of the parties.		Case Number.
Short Title: Creditor vs. Debtor	CASE NUMBER: 14-0012345678	

PROOF OF SERVICE

Check the box for the type of service performed.

Mail Personal Service

- At the time of service I was at least 18 years of age and not a party to this legal action.
- My residence or business address is:
1234 Oak Ave.
Sacramento, CA 95834
- I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (complete either a or b):

Check the box that describes the mailing. If the envelope was placed in a mail box or given to the post office, check box (a). If it was placed in your business's outgoing mail, check box (b). If served personally, skip this part of the question.

(a) Mail. I am a resident of or employed in the county where the mail occurred. I enclosed a copy in an envelope AND

deposited the sealed envelope with the United States Postal Service with the postage fully prepaid.

placed the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelope was addressed and mailed as follows:

Name of person served: Doug J. Debtor

Address on envelope: 11 Main St. #22, Sacramento, CA 95814

Date of mailing: 12/18/2017

Place of mailing (city and state): Sacramento, CA

(b) Personal delivery. I personally delivered a copy as follows:

Name of person served: _____

(2) Address where delivered: _____

(3) Date delivered: _____

(4) Time delivered: _____

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

Date: 12/18/2017

Name, date and signature of person serving documents.

Sally Server
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)