



Maricopa County Justice Courts

INSTRUCTIONS FOR OBTAINING A DEFAULT JUDGMENT (SMALL CLAIMS)

Serving the Other Party

If the party is served with a Complaint, Summons and Notice (or with a Counterclaim) within the State of Arizona, they have 20 calendar days after receiving it to file an answer or a response. If the party is served outside of the State of Arizona, they have 20 calendar days to respond. ARSCP 7

Default Judgment

If a plaintiff has filed a lawsuit and the defendant has not responded within the required time, then the plaintiff may request that a Default Judgment be entered. A Default Judgment can be entered against any party who was served a Complaint or Counterclaim if that party either did not file an answer or file any type of response with the court within the time allowed by the rules.

Obtaining a Default Judgment is a two step process. JCRCP Rule 140.

Step One: Application for Entry of Default

Complete, file with the court, and serve an Application For Entry of Default. JCRCP 140(b)
It must be provided to everyone according to the requirements of JCRCP Rule 140(c).
The entry of default becomes effective 10 judicial days after no response is filed.

Step Two: Request a Default Judgment

Complete, file with the court, and serve a Request and Affidavit For Entry of Default Judgment along with a proposed judgment form and supporting documentation. JCRCP 140(e).

Although the other side has not responded, the party requesting a Default Judgment must provide documents that substantiate the amount claimed (e.g. promissory note, loan agreement, contract, repair estimates, receipts, etc.).

A party who files a proposed Default Judgment must provide the court with stamped envelopes addressed to each party. JCRCP 140(g). Once a Default Judgment is issued, it has the same legal impact as if there had been a hearing on the merits of the case.

Default Hearings

A Default Hearing may also be held if the Judge has some additional questions about the case or if it is requested by a party. JCRCP 140(f).

Military Status

To verify military status, check the Servicemembers Civil Relief Act website.

<https://scra.dmdc.osd.mil/scra/#/single-record>



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

APPLICATION FOR ENTRY OF DEFAULT

JCRCP Rule 140

I am the Plaintiff Counterclaimant Attorney

THE FOLLOWING WERE SERVED THE COMPLAINT, SUMMONS AND NOTICE:

Defendant(s): _____

Defendant(s): _____

NOTICE to Defendant(s):

If you do not answer or file a responsive pleading with the court within 10 court business days of the filing of this Application, the Default will be effective and the other party may request a Judgment be entered against you.

I am applying for an Entry of Default against the above named party who has failed to timely file a response to the lawsuit.

The Defendant was served Complaint, Summons and Notice by:

- Process Server/Constable Alternative Service
- Registered or Certified Mail

Date: _____ Signature _____

- Plaintiff Counterclaimant Attorney

NOTICE to PARTY filing for Default:

Any time after 10 court business days have passed since the filing of this application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. A Statement of Costs and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.

I CERTIFY that I delivered / mailed a copy of this document to:

- Plaintiff Plaintiff's attorney Defendant Defendant's attorney

Date: _____ By _____
Signature



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

JCRCP Rule 140

I request that the court enter a Default Judgment.

I state that the Complaint, Summons and Notice were served.

No response has been received within the time allowed by law. At least 10 court business days have passed since the Entry of Default.

The Defendant is is not on active duty in the United States Military

I am unable to determine whether the defendant(s) are active duty in the United States Military

Principal \$ _____

Costs \$ _____

Attorney fees \$ _____

Interest \$ _____

Total \$ _____

- Attached are the:
- Proposed Judgment
 - Supporting documents / proof of debt
 - Statement of Costs

I declare under penalty of perjury that the foregoing is true and correct. Signed this _____ day of _____, 20_____.

Signature: _____

- Plaintiff Counterclaimant Attorney

Note: A party that files a proposed default judgment must also provide the court with stamped envelopes addressed to each party.

I CERTIFY that I delivered / mailed a copy of this document to:

- Plaintiff Plaintiff's attorney Defendant Defendant's attorney

Date: _____ By _____
Signature