



## Maricopa County Justice Courts

### INSTRUCTIONS FOR OBTAINING A SMALL CLAIMS DEFAULT JUDGMENT

#### Default Judgment Defined.

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, counterclaim, cross-claim, or third-party complaint 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.

#### Time Standards for Serving the Other Side.

If the party is served with a summons and complaint (or with a counterclaim or with a cross-claim) within the State of Arizona, then they have twenty (20) days after receiving it to file either an answer or a response. ARSCP Rule 7.

#### Step One: Application for Entry of Default

*Complete, file with the Court, and serve an Application For Entry of Default.* The Court form contains the information required by JCRCP Rule 140(b). It must be provided to everyone else according to the requirements of JCRCP Rule 140(c). After this application is filed with the Court, and after ten (10) judicial days have passed without a response, then the entry of default becomes effective. However, that is not the same thing as having a default judgment. The legal effect of an entry of default is that a party in default loses the right to litigate the merits of the claims against them; however, they may still participate in any proceedings concerning how much, if any, money should be awarded.

#### 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.* The Court form contains the information required by JCRCP Rule 140(e). Even though the other side has not responded, the party requesting a default judgment must still 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 also provide the Court with stamped envelopes addressed to each party.** JCRCP 140(g). Once a default judgment is final, it has the same legal impact as if there had been a trial on the merits of the case.

#### Default Hearings

Most default judgments are granted without a hearing. A default hearing may 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 Service members 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

## SMALL CLAIMS REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

ASCRP 7 & 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 on 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