



## **MARICOPA COUNTY JUSTICE COURTS**

**If you want to file a...**

# **SMALL CLAIMS APPLICATION FOR ENTRY OF DEFAULT & SMALL CLAIMS REQUEST AND AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT**



# MARICOPA COUNTY JUSTICE COURTS

If the opposing party in your case has not answered the lawsuit or counterclaim (if applicable) within the time allowed, you may file and Application for Default. After TWENTY (20) (30 days if out of state) days of filing of the Application for Default, and the opposing party still has not answered the lawsuit, you may file a Request and Affidavit for Entry of Default Judgment.

Please **STOP**:

If there has been an answer to the lawsuit or a reply to a counterclaim filed.

Please **PROCEED** with the:

**Application for Default:** If you have served the opposing party and it has been at least TWENTY (20) days (30 days if out of state) since they were served and no response to the lawsuit or counterclaim has been filed.

**FORMS** Needed:

- 1) Instructions for Obtaining a Default Judgment
- 2) Application for Entry of Default
- 3) Request and Affidavit for Entry of Default Judgment
- 4) Judgment

**INSTRUCTIONS:**

- 1) Read the Instructions for Obtaining a Default Judgment.
- 2) Complete the Application for Entry of Default, Request and Affidavit for Entry of Default Judgment, and the Judgment.
- 3) File the original Application for Entry of Default with the court, provide a copy for each party, and keep a copy for your records.
- 4) Wait TEN (10) judicial days. After TEN (10) judicial days since you filed the Application for Entry of Default and no response to the lawsuit or counterclaim has been filed, you may file the Request and Affidavit for Entry of Default Judgment and Judgment.
- 5) File the original Request and Affidavit for Entry of Default and the Judgment with the court, provide a copy for each party, and keep a copy for your records. You must also include self-addressed, stamped envelopes for all parties to the case.

**IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS** form must be filed with the court when a party changes their address.

Visit us at <http://justicecourts.maricopa.gov/> for additional filing information and online forms.



## 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* 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 default 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 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

## 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



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

**JUDGMENT (Small Claims)**  **Corrected**

ARSCP 15

This matter was heard by the Court on this date: \_\_\_\_\_

Plaintiff(s) appeared  in person  failed to appear

Defendant(s) appeared  in person  failed to appear

**Plaintiff Claim**

Judgment is entered upon default  with hearing  without hearing

Judgment is entered upon agreement of the parties.

**IT IS ORDERED** granting judgment to:

Plaintiff(s)

\$ \_\_\_\_\_ Principal Amount

\$ \_\_\_\_\_ Accrued interest, if any

\$ \_\_\_\_\_ Court Costs

\$ \_\_\_\_\_ TOTAL

Defendant(s)

\$ \_\_\_\_\_ Court Costs

With interest thereon at the rate of \_\_\_\_\_ % per annum on principal amount from the date of judgment until paid in full.

With interest on court cost of \_\_\_\_\_ % per annum from the date of judgment until paid in full.

**IT IS ORDERED** dismissing this claim  with prejudice  without prejudice

**Counterclaim**

Judgment is entered upon default  with hearing  without hearing

Judgment is entered upon agreement of the parties.

**IT IS ORDERED** granting judgment to:

Plaintiff(s)

\$ \_\_\_\_\_ Court Costs

Defendant(s)

\$ \_\_\_\_\_ Principal Amount

\$ \_\_\_\_\_ Accrued interest, if any

\$ \_\_\_\_\_ Court Cost

\$ \_\_\_\_\_ TOTAL

With interest thereon at the rate of \_\_\_\_\_ % per annum on principal amount from the date of judgment until paid in full.

With interest on court cost of \_\_\_\_\_ % per annum from the date of judgment until paid in full.

**IT IS ORDERED** dismissing this counterclaim  with prejudice  without prejudice

Date: \_\_\_\_\_

Justice of the Peace  Hearing Officer

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

Plaintiff at the above address  Defendant at the above address

Date: \_\_\_\_\_ By \_\_\_\_\_

Signature