



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), 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 included in the lawsuit, according to the requirements of JCRCP Rule 140(c). After this application is filed with the Court, and after ten (10) court business 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 a copy of this document has been or will be mailed on _____ to:

☐ Plaintiff at the above address ☐ Plaintiff's attorney ☐ Defendant at the above address ☐ Defendant's attorney

Date: _____ By _____
Signature