Maricopa County Justice Courts

INSTRUCTIONS FOR OBTAINING A CIVIL 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. If the party is served outside of the State of Arizona, then they have thirty (30) days to respond. JCRCP Rule 114.

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. However, if the other side was served by publication, the plaintiff must file a motion and affidavit for approval and a default hearing will be held. ARCP 4.1(l); JCRCP 140(j). 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

Please select court from the drop down list --------

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 ☐ 3rd Party Plaintiff ☐ Attorney

THE FOLLOWING WERE SERVED THE SUMMONS AND COMPLAINT:

Defendant(s): _____

NOTICE to Defendant(s):
If you do not answer or file a responsive pleading with the court within ten (10) judicial days of the filing of this Application, the Default will be effective and the Party may request a Judgment to 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 the Summons and Complaint by:

☐ Process Server ☐ Alternative Service ☐ Publication

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

Date: _____ Signature _____

☐ Plaintiff ☐ Counterclaimant ☐ 3rd Party Plaintiff ☐ Attorney

NOTICE to PARTY filing for Default:
Any time after ten (10) judicial 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 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