



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

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

With Hearing Without Hearing

JCRCP Rule 140

I request that the Court enter a default judgment.

If I am the Plaintiff, then I state that the Summons, Complaint and the Notice to Defendant were served on the Defendant.

No response has been received within the time allowed by law. At least ten (10) judicial days have passed since the Entry of Default.

The Defendant is is not 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 cost

I state under penalty of perjury that the forgoing is true and correct.

Date: _____ Signature _____
 Plaintiff Counterclaimant 3rd Party Plaintiff Attorney

Note: A party who 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