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

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

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

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

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 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