

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 McAllister Street, San Francisco, CA 94102

Phone: 415-551-4000 | Website: <https://sfsuperiorcourt.org>



GUIDELINES FOR PROCESSING DEFAULT JUDGMENTS

Court Judgment – Unlimited

The following may be required:

- A proposed judgment not exceeding the amount prayed for in the complaint
- In personal injury and wrongful death actions, a judgment not exceeding the total on the statement described in CCP 425.11 (Request for Statement of Damages) and CCP 425.115
- (Reservation of Right to Seek Punitive Damages) must be filed
- A Declaration setting forth facts showing that the defendant is not in military service. This declaration must be no older than six months (Service members Civil Relief Act, 50 USC Appen. 520)
- A Memorandum of Costs (CRC 3.1700; Judicial Council form MC-010)
- The original written contract, if any, giving rise to the action, or a declaration regarding lost document. (CRC, Rule 3.1806)
- If the action is upon an open book account, an affidavit or declaration that no written contract exists (CCP Before Trial (Cont. Ed. Bar) § 56.41)
- A computation of any interest, including the date of accrual and the rate of interest
- A copy of any notice sent to defendant in accordance with CCP 1033(b)(2), if applicable
- A dismissal of all unnamed defendants, including DOES
- The ledger or most recent invoice showing amounts due

Clerk's Judgment

The following must be submitted:

- Proposed Judgment not exceeding the amount of the prayer
- Declaration setting forth facts showing that the defendant is not in military service. This Declaration must be older than six (6) months (Service members Civil Relief Act, 50 USC. 520)
- Memorandum of Costs (CRC 3.1700; Judicial Council form MC-010)
- A computation of any interest, including the date of accrual and the rate of interest
- Original written contract, if any, giving rise to the action, or a Declaration regarding lost document (CRC, Rule 3.1806)
- Copy of any notice sent to defendant in accordance with CCP 1033(b)(2), if applicable
- Dismissal without prejudice or a written waiver of any causes other than those on which a clerk can enter Judgment pursuant to CCP 585(a)
- A dismissal of all unnamed defendants, including DOES
- If the action is upon an open book account, an Affidavit or Declaration that no written contract exists. (CCP Before Trial (Cont.Ed.Bar) § 56.41)
- On an open book account, plaintiff may obtain a clerk's entry of judgment provided that plaintiff submits one of the following:

1. A verified complaint;
2. A declaration setting forth figures from which the clerk may perform a simple computation to obtain the amount of the judgment; or,
3. The Ledger or most recent invoice showing amounts due, from which the clerk can perform a simple calculation to compute judgment.

Checklist for Court or Clerk Judgment

All items must be checked or indicate "N/A" that the item is not applicable to your case:

- Submit Original **Proof of Summons** for all defendants (Judicial Council form POS-010)
 1. Proper Venue: buyer resides in SF or did when contract signed. Yes No N/A
 2. Name and title of the person authorized to accept service on behalf of a business entity must be indicated on the proof of service Yes No N/A
 3. Declaration of Due Diligence for substituted service must comply with SFSF Local Rules Yes No N/A
 4. A Statement of Damages must be served on all defendants in personal injury/wrongful death cases Yes No N/A

- Submit a **Request for Dismissal of "Doe" Defendants**, if "Doe" Defendants are listed on complaint (Judicial Council form CIV-110)

- Submit **Request for Entry of Default/Application for Default Court Judgment** (Judicial Council form CIV-100)
 1. Time to answer must have expired before Default can be entered Yes No N/A
 2. Names of plaintiff and defendant, including any AKA's must match the names on the complaint Yes No N/A
 3. The Declaration of Mailing must be complete Yes No N/A
 4. The Declaration of Military Status must be dated within six months of filing the Default Judgment Yes No N/A
 5. All defendants named on the Judgment must be defaulted before judgment can be entered Yes No N/A
 6. All defendants NOT named on the Judgment must be dismissed Yes No N/A

- Submit a **Memorandum of Costs** (Judicial forms MC-010 or CIV-100)
 1. Evidence must be submitted to support all fees and costs as requested, including service by publication fees Yes No N/A
 2. Service fees for dismissed defendants cannot be included Yes No N/A
 3. If the amount of damages is within jurisdictional limits of the Small Claims court, a notice pursuant to CCP 1033 is required. This notice will be satisfied by a Declaration stating that a demand was mailed to the defendant(s) notifying defendants that they are liable for court costs Yes No N/A

- Interest** claimed on the Judgment
1. If interest is included on the judgment, a declaration must be submitted indicating the rate of interest, both beginning and end dates used in the calculation, and total amount requested Yes No N/A
 2. If the interest rate is higher than the legal rate, the contract or disclosure statement must allow for interest in excess of the legal rate Yes No N/A
- Attorney Fees** claimed on the judgment
1. Attorney fees claimed must comply with SFSF Local Rule Yes No N/A
 2. If attorney fees are based on written agreement, the contract or disclosure statement must allow for the fees Yes No N/A
 3. If attorney fees are allowed by a specific statute, such as CC 1717, et se., this must be specified in a separate declaration or specified in the prayer of the complaint Yes No N/A
- If judgment based on **Open Book Account**
1. Submit a declaration that states: "No written agreement exists" Yes No N/A
 2. Late fees are not allowed Yes No N/A
- If judgment is based on a **Written Agreement**
1. If the written agreement is a negotiable instrument (check or promissory note), the original document must be submitted to the court Yes No N/A
 2. A waiver of security interest must be submitted if the contract has a collateral or security clause involving personal property Yes No N/A
- If judgment is submitted by a **Debt Buyer**
1. Submit a declaration per CC 1788.60 Yes No N/A
 2. A copy of the contract or other document described in CC 1788.52(b) must be submitted to the court Yes No N/A
- Include the following **Exhibits**
1. A ledger or the most recent invoice showing the amount due Yes No N/A
 2. A declaration complying with CCP 585(d) Yes No N/A
 3. A brief summary of the case identifying the parties and the nature of the action pursuant to CRC, Rule 3.1800(a) Yes No N/A
- If a **Fee Waiver** was granted
1. The judgment must list all previously waived fees and costs on behalf of the prevailing party and order them paid to the court (does not apply if party being defaults had a fee waiver) Yes No N/A
- If Judgment is based on a **Deficiency Judgment**
1. Submit a Deficiency Memorandum with the original signature, signed under penalty of perjury Yes No N/A
 2. Submit proof of expenses claimed on the Deficiency Memorandum Yes No N/A

- 3. Submit a Bill of Sale Yes No N/A
- 4. Submit a Notice of Intent to Sell pursuant to CC §2983.2 Yes No N/A

If judgment is based on **Subrogation**

- 1. Submit a declaration by the plaintiff Yes No N/A
- 2. Submit a declaration by the insured Yes No N/A
- 3. Submit a copy of the demand letter if interest is being requested Yes No N/A
- 4. Submit a copy of the check(s) or a computer printout showing check(s) or EFT information Yes No N/A
- 5. Interest is limited to 7%, starting from the date of service of the demand letter or filing of the complaint, whichever is earlier Yes No N/A

If judgment is based on **Claim & Delivery**

- 1. Submit proof of ownership Yes No N/A
- 2. Submit a declaration as to the value of the property Yes No N/A
- 3. The judgment must include a detailed description of the property, the VIN or serial number, and state: "The proceeds of the sale of property will be applied to the damages" Yes No N/A

If the judgment is based on failure to pay **Homeowners Association Fees**

- 1. Submit a copy of the CC&Rs addressing the assessments, fees, and collection costs Yes No N/A
- 2. Submit a copy of the trust or grant deed Yes No N/A
- 3. Submit a proof of collection costs Yes No N/A

Submit a proposed Judgment (optional Judicial Council form JUD-100; it is recommended to use the Judicial Council form JUD-100 unless the requested judgment is too complicated for the form)

These are only guidelines and should not be used as a substitute for legal advice. It may not include all of the information that is legally required.

Parties must also consult the Judgment Checklists by going to the website: <https://www.sfsuperiorcourt.org/forms-filing/forms> for further guidance on the requirements for obtaining judgments in Civil proceedings.