

Checklist for Entering a Default Judgment in Small Claims Court

To enter a default judgment in a small claims court action, you should do the following:

- Confirm that service, venue, and the date of hearing are proper.
- Require the plaintiff to complete an affidavit that the defendant is not in the military service as required by the Servicemembers Civil Relief Act. [50 USC App §§501 et seq.] If the defendant is in the military service, an attorney must be appointed to represent the defendant before judgment can issue.
- Require the plaintiff to prove his or her claim.
- Determine whether any special conditions precedent—for instance, licensing requirements or consumer statute requirements such as written estimates.
- Inspect all applicable documents such as invoices, bills, notes, and contracts.
- Check for successive claims on installment notes or contracts requiring specific payments.
- Inquire as to whether the defendant has disputed the claim.
- Ascertain whether any payments have been received since the claim was filed and whether they have been credited against the amount claimed.
- Determine whether the amount claimed includes interest and check for excessive interest claims.
- Cancel any promissory notes on which judgment has been entered or merge them in the judgment.
- Enter judgment in an amount supported by proof and not greater than the amount claimed in the filed claim form. [See CCP §580(a).]
- Add recoverable costs.

Sample Finding and Judgment on Default

I find that plaintiff *[name]* has proved *[his/her]* case. I give to the plaintiff judgment in the amount of \$_____ *[amount not exceeding that requested in the claim]* plus *[interest and]* court costs in the amount of \$_____.