



MARICOPA COUNTY JUSTICE COURT

If you want to file a...

APPLICATION FOR ENTRY OF DEFAULT



MARICOPA COUNTY JUSTICE COURT

If the opposing party (or parties) in your case does not answer the claim or (if applicable) counterclaim within the time allowed, you may apply for default. If they fail to answer within TEN (10) working days of the filing of the application, the default will take effect and a default judgment may be entered against them.

Please **STOP:**

If there has been an answer to the claim or a reply to a counterclaim filed.

Please **PROCEED:**

If you are filing the application after the allowed time has passed for filing an answer or a reply to a counterclaim.

FORMS Needed:

- 1) Application for Entry of Default form
- 2) Judgment form
- 3) Instructions for Obtaining a Default Judgment

INSTRUCTIONS:

- 1) Read the instructions sheet.
- 2) Complete the forms; *Application for Entry of Default & Judgment*
- 3) Make copies; original forms for the court, a copy for yourself and a copy for each party, a copy for counsel (if applicable).
- 4) File the original *Application for Entry of Default* form and the original and all copies of the *Judgment* form with the court clerk.
- 5) The same day as filing with the court, mail copies of the *Application for Entry of Default* form to the other parties and counsel (if applicable)



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

() -
Plaintiff(s) Name / Address / Phone

() -
Defendant(s) Name / Address / Phone

APPLICATION FOR ENTRY OF DEFAULT

NOTICE IS GIVEN TO

Defendant(s): _____ Whereabouts unknown
Defendant(s) counsel: _____ Identity unknown

At the last known address indicated herein.

If you do not answer or file a responsive pleading with this court within ten (10) working days of the filing of this application, default will be effective and a default judgment will be entered against you.

1. The above named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law.
2. No defendant(s) named herein is engaged in active military service.
3. This application is made for the purpose of entering default against the defendant(s).

Date: _____
 Plaintiff Defendant

MOTION / AFFIDAVIT FOR JUDGMENT BY DEFAULT

Plaintiff moves for judgment against the defendant(s) named above, because the named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law.

I incorporate the application for entry of default made herein. An affidavit is made a part of this motion.

1. I am the plaintiff in this action.
2. No defendant(s) named herein is engaged in active military service.
3. The following amount is due and owing on plaintiff's claim as of this date.

All just set-offs, payments and credits have been allowed: \$ _____

Attorney fees: \$ _____

Costs: \$ _____

TOTAL \$ _____

4. The claim is for a sum certain (an amount that can be substantiated by clear computation).
5. I am attaching documentation evidencing that the defendant owes what is claimed.
6. There are no exhibits.

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

Date: _____
 Plaintiff Defendant

I CERTIFY that I delivered / mailed a copy of this APPLICATION FOR ENTRY OF DEFAULT and MOTION FOR JUDGMENT BY DEFAULT to:

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____ By _____
 Plaintiff Defendant

INSTRUCTIONS FOR OBTAINING A DEFAULT JUDGMENT

1. If you have served the defendant and 20 days* has passed since the date of service and the defendant has not filed an answer to your complaint, you may file an application for entry of default with the court.
2. If you have brought your complaint against multiple parties, the default applies only to those defendants who have been served and have not answered within the time allowed.
3. Complete and file an application for entry of default.
4. If you have documentation as evidence of the amount claimed, attach it to the Application and file it with the court.
5. Mail a copy of the application (by regular U.S. mail) to the defendant and to the defendant's attorney (if any). This gives the defendant notice that you have applied for entry of default. The defendant is allowed ten (10) additional working days within which to file an answer or other responsive pleading.
6. After ten (10) working days, the default takes effect.
7. If the defendant files an answer within that ten (10) day period, default will not take effect.
A hearing date will be set in a small claims matter.
Disclosure will be due within 40 days in a civil matter.
8. If the defendant fails to file an answer, default will take effect. Your motion and affidavit will be given to the Judge for review and consideration. The court will expect you to be able to substantiate your claim.
9. The Judge will either enter judgment or set the matter for a default hearing to determine damages. A hearing may not be necessary if the claim can be substantiated and computed by documentation evidencing that the defendant owes what is claimed.
10. In all other cases, if it is necessary for the court to determine damages by testimony or by other evidence, the court shall set the matter for a default hearing.
11. If service of the summons and complaint was accomplished by publication, you may be required to be present for a default hearing.
12. A copy of any judgment entered will be mailed to both parties by the court.

*Refer to Arizona Rules of Civil Procedure, Default, Application and entry Rule 55(a),
and Judgment by Default, Rule 55(b).*

** Different time lines may apply to a signed waiver of service and/or out-of-state service.
Refer to Arizona Rules of Civil Procedure, Rules 4.1 and 4.2.*