

AJO JUSTICE COURT
111 La Mina Avenue, Ajo, AZ 85321 (520) 387-7684

INSTRUCTIONS FOR OBTAINING A CIVIL DEFAULT JUDGMENT

1. You may apply for default judgment if:
 - Affidavit of Service has been filed with the court
 - Defendant(s) has not filed an answer within 20 days after defendant was served/30 days if served out of state.
2. If you have brought your claim against multiple defendants, the default applies only to those defendants who have been properly served and who have failed to file an answer within 20 days after service/30 days if served out of state.
3. In order to proceed with a default, you must complete and file the “Application for Entry of Default”

Step One: Application for Entry of Default, JP49A

1. If your “Application for Entry of Default” indicates that the defendant(s) you want to default is in the military service, or if it cannot be determined if the defendant(s) is in the military service, this may impact whether the court will enter a default judgment. See the Servicemembers Civil Relief Act, 50 United States Code §521 and related sections.
2. You must file the **original Application with the court** and mail a copy of the Application (by regular U.S. mail) to each defendant who you are seeking to default, and the defendant’s attorney, if any. You must also mail the Application to the other parties in the lawsuit.
3. If the defendant(s) files an answer within ten business days of the filing date of the “Application for Entry of Default”, the default will not become effective. The case will proceed as if the answer had been timely filed. The ten (10) day period begins the day after the application is filed with the court; the ten (10) day period does not include Saturdays, Sundays, or holidays, and no additional time is added for service by mail.

Step Two: Request a Default Judgment, JP49B

1. If the defendant(s) does not file an answer within ten days of the filing date of the “Application for Entry of Default”, the default becomes effective.
2. Complete, the “Request and Affidavit for entry of Default Judgment” file with the Court, and serve the “Request” along with a proposed judgment form and supporting documentation. ***You must also provide the Court with stamped envelopes addressed to each party including yourself.*** If your claim is for a specific amount, or if your claim is for an amount that can be determined by a mathematical calculation, you may request the entry of default judgment without a hearing. If your claim is not for a specific amount or an amount that can be determined by a mathematical calculation, you may file a request for a hearing the court will set a default hearing to determine the judgment. A checkbox is provided on the Request form. You must present evidence at a default hearing to prove the amount of your claim.

Note: However, if the other side was served by publication, then a default hearing will be held, 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).

3. A copy of any judgment or notice of hearing will be mailed to all parties by the court.

<p>Note: The information is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or of the Justice Court Rules of Civil Procedure.</p>
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PLAINTIFF _____ (Name/Address/Phone):	CASE NO. _____ APPLICATION FOR ENTRY OF DEFAULT (JCRPC 140)	DEFENDANT _____ (Name/Address/Phone):
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I am the Plaintiff Counterclaimant 3rd Party Plaintiff Attorney

THE FOLLOWING WERE SERVED WITH THE SUMMONS AND COMPLAINT:

Defendant(s): _____ Whereabouts unknown

Defendant(s): _____ Whereabouts unknown

NOTICE to Defendant(s):

If you do not answer or file a responsive pleading with the court within ten (10) judicial days of the filing of this Application, the Default will be effective and the Party may request a Judgment to 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 the Summons and Complaint by:

- Certified Mail (Only for Small Claims) Process Server Alternative Service Publication

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

As of this date, the amount due on this claim is as follows: (setoffs, payments, and credits have been applied)

Principal	\$ _____	
Court Costs	\$ _____	
Attorney Fees	\$ _____	
Accrued Interest	\$ _____	
Other	\$ _____	TOTAL \$ _____

Date: _____
 Plaintiff Counterclaimant Third Party Plaintiff Attorney

NOTICE to PARTY filing for Default:

Any time after ten (10) judicial 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 the lawsuit.

CERTIFICATE OF SERVICE

I CERTIFY that I mailed a copy of this APPLICATION FOR ENTRY OF DEFAULT to:

- Plaintiff at the above address Plaintiff's Attorney Defendant at the above address Defendant's Attorney

Date: _____ By: _____
 Signature

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PLAINTIFF (Name/Address/Phone):	CASE NO. <hr style="width: 50%; margin: auto;"/> REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT (JCRCP 140) <input type="checkbox"/> Without Hearing <input type="checkbox"/> With Hearing	DEFENDANT (Name/Address/Phone):
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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 (10) days have passed since the Entry of Default.

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

Principal	\$ _____	
Court Costs	\$ _____	
Attorney Fees	\$ _____	
Accrued Interest	\$ _____	
Other	\$ _____	TOTAL \$ _____

Attached are the: Proposed Judgment Support documents/proof of debt Statement of Costs

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

Date: _____
 Plaintiff Counterclaimant Third Party Plaintiff Attorney

NOTE:
 A party who files a proposed default judgment must also provide the court with stamped envelopes addressed to each party.

CERTIFICATE OF SERVICE

I CERTIFY that I mailed a copy of this REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT to:
 Plaintiff at the above address Plaintiff's Attorney Defendant at the above address Defendant's Attorney

Date: _____ By: _____
Signature

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PLAINTIFF	CASE NO. _____	DEFENDANT
(Name/Address/Phone):	REQUEST/JUDGMENT	(Name/Address/Phone):

To file this document refer to the two methods listed below:

Mailing Address:

Attn: Civil Unit Clerk
 Ajo Justice Court
 111 La Mina Avenue
 Ajo, Arizona. 85321

In Person Filings Address:

Ajo Justice Court
 111 La Mina Avenue
 Ajo, Arizona 85321

REQUEST TO THE CLERK: (Please Enter)

- | | | |
|---|---|--|
| <input type="checkbox"/> Enter dismissal: | <input type="checkbox"/> with prejudice | <input type="checkbox"/> Writ of Execution |
| | <input type="checkbox"/> without prejudice | |
| <input type="checkbox"/> Issue subpoena(s) - Number _____ | <input type="checkbox"/> Issue transcript | |
| <input type="checkbox"/> Writ of Restitution | <input type="checkbox"/> Satisfaction of Judgment | |
| <input type="checkbox"/> Certified copy of Judgment _____ | | |
| <input type="checkbox"/> Other: _____ | | |

Signature _____

- Plaintiff Authorized Agent Signature

Signature _____

- Defendant Authorized Agent Signature

ISSUED this date: _____

 Clerk

TO THE JUSTICE OF THE PEACE: (Please Enter Default Judgment)

Principal	\$ _____
Court Costs	\$ _____
Attorney Fees	\$ _____
Accrued Interest	\$ _____
Other _____	\$ _____
Total \$ _____	

*Interest rate of _____% plus accruing costs.

IT IS SO ORDERED this date: _____

 Justice of the Peace

Copy of the foregoing mailed this date: _____

to: Plaintiff Defendant Runner Service _____

Clerk: _____

* Interest rate shall be at the lesser of ten per cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the Board of Governors of the Federal Reserve System. JP18 (Rev. 03-18-13)