

Mohave County Justice Courts, State of Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Phone \_\_\_\_\_ Defendant(s) Name / Address / Phone \_\_\_\_\_

**APPLICATION FOR ENTRY OF DEFAULT**

I applicant is the  Plaintiff  Defendant/Counterclaimant  Other: \_\_\_\_\_,  
(  If checked, by and through counsel undersigned).

The name of the party claimed to be in default in this matter is \_\_\_\_\_, and  
is the  Defendant,  Plaintiff/Counter-Defendant  Other: \_\_\_\_\_,  
who was duly served with a  complaint  counterclaim  other pleading: \_\_\_\_\_ by:

- Process Server                       Alternative Service                       Publication
- Certified Mail (Small Claims)
- Other: \_\_\_\_\_

as set forth in the return of service filed in this action.

I am applying for Entry of Default against the above-named party claimed to be in default as that party has failed to respond within the time allowed by the Justice Court Rules of Civil Procedure.

The party claimed to be in default  is  is not on active duty in the United States Military, or  I am unable to determine whether the party claimed to be in default is in the military.

**NOTICE TO THE ABOVE-NAMED PARTY CLAIMED TO BE IN DEFAULT:**

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

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Plaintiff  Defendant/Counterclaimant

Other: \_\_\_\_\_

*NOTICE to PARTY filing for Default:*

*Any time after ten (10) judicial days have passed since the filing of the Application, it is your responsibility to file a Request for Entry of Default Judgment with or without a hearing. A Statement of Costs and proof of the claim (receipts, contract, etc.) must also be filed and served upon all the parties in this lawsuit.*

I CERTIFY that a copy of this document has been mailed on \_\_\_\_\_ to:  
 Plaintiff at the above address     Plaintiff's attorney     Defendant at the above address     Defendant's attorney

Other: \_\_\_\_\_

(  If checked, the address above is the last known address for the party claimed to be in default.)

Date: \_\_\_\_\_ By \_\_\_\_\_  
Signature

# Mohave County Justice Courts, State of Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Phone \_\_\_\_\_ Defendant(s) Name / Address / Phone \_\_\_\_\_

## REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

With Hearing       Without Hearing

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 ten (10) judicial days have passed since the Entry of Default.

The Defendant  is  is not on active duty in the United States Military, or  I am unable to determine whether the party claimed to be in default is in the military.

Principal \$ \_\_\_\_\_

Attorney fees \$ \_\_\_\_\_

Costs \$ \_\_\_\_\_

Interest \$ \_\_\_\_\_

**TOTAL** \$ \_\_\_\_\_

- Attached are the:
- Proposed Judgment
  - Supporting documents/ proof of debt
  - Statement of Cost

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

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Plaintiff     Defendant/Counterclaimant

Other \_\_\_\_\_

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

I CERTIFY that a copy of this document has been mailed on \_\_\_\_\_ to:

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

Other \_\_\_\_\_

(X If checked, the address above is the last known address for the party claimed to be in default)

Date: \_\_\_\_\_ By \_\_\_\_\_

Signature

## INSTRUCTIONS FOR OBTAINING A DEFAULT JUDGMENT

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. JCRCP Rule 140.

If the party is served with a summons and complaint (or with a counterclaim or cross-claim) within the State of Arizona, then they have twenty (20) days after receiving it to file either an answer or a response. If the party is served outside of the State of Arizona, then they have thirty (30) days to respond. 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.

### **Step One: Application for Entry of Default**

Complete "Application for Entry of Default", file original with the court, and mail a copy of the application to the defendant and to the defendant's attorney (if any), also to any other parties in the lawsuit. The defendant is allowed ten (10) judicial days to file an answer. If the defendant fails to respond then the entry of default becomes effective. If the defendant files an answer within that ten day period, default will not take effect, the case will proceed as if the answer had been timely filed.

### **Step Two: Request a Default Judgment**

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. 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 claim amount. A party who files a proposed default judgment must also provide the Court with stamped envelopes addressed to each party including the filing party. 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**

The Judge will either enter judgment or set the matter for a default hearing. Most default judgments are granted without a hearing. However, if the other side was served by publication, then a default hearing will be held. JCRCP 140 (f). 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.

A hearing may not be necessary if the claim can be substantiated and computed by documentation evidencing that the defendant owes what is claimed. If you have documentation as evidence of the amount claimed, attach it to the Request and file it with the court.

A copy of any judgment entered will be mailed to both parties by the court.

<p><b>Note:</b> The information is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or the Justice Court Rules of Civil Procedure.</p>
--