

## INSTRUCTIONS FOR OBTAINING A SMALL CLAIMS DEFAULT JUDGMENT

1. You may apply for a default judgment if:
  - Proof of service has been filed with the court, AND
  - The defendant has not filed an answer within 20 days of service.
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 of service.
3. To proceed with a default, you must complete and file the *Application for Entry of Default*.
4. You must mail a copy of the *Application for Entry of Default* to all parties in the case.
5. If the defendant files an answer within 10 business days of the filing date of the *Application for Entry of Default*, the default will not become effective and the case will proceed as if an answer had been timely filed.
6. If the defendant does not file an answer within 10 business days of the *Application for Entry of Default* filing date, the default becomes effective. You must then file a *Request and Affidavit for Entry of Default Judgment* form to ask the court to enter a default judgment. You must mail a copy to all parties in the case.
7. The court will expect you to be able to prove your claim before it will enter a judgment in your favor. A default judgment can be entered by request or by hearing. You must attach to the *Request and Affidavit for Entry of Default Judgment* form any documents that support or prove the amount of your claim and court costs.
8. The court may either enter judgment based on the documents that you have filed, or it may set the matter for a default hearing.
9. If your *Request and Affidavit for Entry of Default Judgment* form indicates that the defendant you want to default is in military service, or if it cannot be determined whether the defendant is in 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.
10. The court will mail a copy of any judgment or notice of hearing to all parties.

**NOTE:** The information in this checklist is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or the Arizona Rules of Small Claims Procedure.