

982(a)(6)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address)

1 TELEPHONE NO. FAX NO. (OPTIONAL)
E-MAIL ADDRESS (OPTIONAL)
ATTORNEY FOR (Name)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

2 STREET ADDRESS
MAILING ADDRESS
CITY AND ZIP CODE
BRANCH NAME

PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT: 3

4 REQUEST FOR (Application) Entry of Default Clerk's Judgment
 Court Judgment DATE NUMBER:

1. TO THE CLERK: On the complaint or cross-complaint filed
a. on (date):
b. by (name): 5
c. Enter default of defendant (names):
d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

6 (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
e. Enter clerk's judgment
(1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.
(2) under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
(3) for default previously entered on (date):

7 2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$	\$	\$
b. Statement of damages *			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.

8 3. (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).
Date: _____

(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY / OR PLAINTIFF)

9 FOR COURT USE ONLY
Default entered as requested on (date) _____
Default NOT entered as requested (state reason): _____
Clerk, by _____ Deputy

Form Adopted for Mandatory Use
Judicial Branch of California
MC1400 (Rev. February 18, 2003)

REQUEST FOR ENTRY OF DEFAULT
(Application to Enter Default)

Page 1 of 2
Group of Civil Procedure
99 585-527, 1169
www.courtinfo.ca.gov
American LegalNet, Inc.
www.USCourtForms.com

How to fill out

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) CIV-100

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Write the case number where circled above.

- 1 Write your name and address. Also write your phone number, and fax number if you have one.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you filed your papers.
- 3 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 4
 - Check "Entry of Default" to get an eviction. In most cases if you check this box, also check "Clerk's Judgment."
 - **OR** check "Court Judgment" if you want the defendant to pay back rent.
- 5
 - a. Fill in the date the Complaint was filed
 - b. Fill in your name
 - c. Check box c if you checked Entry of Default above for an eviction. List the names of all the defendants.
- 6
 - d. Check box d if you checked Court Judgment above.
 - e. Check box e if you checked Entry of Default above. Also check box (1) "for restitution of the premises" and check the box below that states: "Include in the judgment all tenants" ONLY if you have served a "prejudgment claim of right to possession."
- 7 If you checked Clerk's Judgment above, leave this section blank. If you checked Court Judgment, fill out this section, but DO NOT fill out lines b or e.
 - a. Under Amount, fill in back rent owed. Subtract Credits acknowledged (if any) to get the Balance.
 - c. If interest has accrued, fill out this line.
 - d. This amount is the same as the total amount listed in Memorandum of Costs (7e) on page two of this Request for Entry of Default. Then add up all lines to get the total (f).
 - g. If you requested daily damages in the Complaint, complete this section.
- 8 Check box 3. Put in the date you signed the form. Type or print your name on the left. Sign your name on the right.
- 9 DO NOT WRITE IN THIS SECTION.

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) CIV-100

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 15
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Write the case number where circled above.

PLAINTIFF/PETITIONER: DEPENDENT/RESPONDENT	CASE NUMBER
---	-------------

4. Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state)

a. Assistant's name: _____
b. Street address, city, and zip code: _____

c. Telephone no.: _____
d. County of registration: _____
e. Registration no.: _____
f. Expires on (date): _____

5. Declaration Under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 582(a)). This action:

a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 of seq. (Unruh Act)
b. is is not on a conditional sales contract subject to Civ. Code, § 2981 of seq. (Rees-Loring Motor Vehicle Sales and Finance Act)
c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 306(b).

6. Declaration of mailing (Code Civ. Proc., § 587). A copy of this Request for Entry of Default was

13 not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names): _____

b. mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
(1) Mailed on (date): _____ (2) To (specify names and addresses shown on the envelope): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
Date: _____

14

(TYPE DECLARANT NAME)	SIGNATURE OF DECLARANT
-----------------------	------------------------

7. Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1032.5):

a. Clerk's filing fees	\$ _____
b. Process server's fees	\$ _____
c. Other (specify):	\$ _____
d. _____	\$ _____
e. TOTAL	\$ _____

f. Costs and disbursements are waived.

8. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____

16

(TYPE CASE NAME)	SIGNATURE OF DECLARANT
------------------	------------------------

17 Declaration of nonmilitary status (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____

18

(TYPE OR PRINT NAME)	SIGNATURE OF DECLARANT
----------------------	------------------------

Request Form February 18, 2003 REQUEST FOR ENTRY OF DEFAULT Page 2 of 2

- 10 Write your name (Plaintiff) vs. the name of the primary or main Defendant. Example: *Smith vs. Johnson*
- 11
 - If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you.
 - If someone helped you fill out the form and was paid check the second box.
 - Fill out the rest of this section ONLY if you received help for pay. Write this person's name, address and phone number. After d, write the county where the assistant is registered (example: Fresno). Write their registration number (e) and the date (f) their registration expires (ends).
- 12 Check box 5. For a, b and c, "is not" is usually checked for all unlawful detainer cases.
- 13 Do not check box a. Check box b instead, and then list all persons to whom you mailed a copy of this form under (2). List the actual day you mailed the copies under (1).
- 14 Date the form. Type or print your name on the left. Sign your name on the right.
- 15 The court will not pay for your legal costs, but may award them in your judgment. You cannot get money awarded to you at the time of a Clerk's Judgment. Complete lines a through f as needed.
- 16 Date the form. Type or print your name on the left. Sign your name on the right.
- 17 Check box 8, if **none of the defendants in this case are in the military**. If any of the tenants are in the military, you cannot enter a default without certain requirements being met. Seek advice from an attorney.
- 18 Date the form. Type or print your name on the left. Sign your name on the right.