

INSTRUCTIONS FOR OBTAINING A SMALL CLAIMS DEFAULT JUDGMENT

1. You may apply for default judgment if:
 - Evidence of Service has been filed with the court
 - Defendant(s) has not filed an answer within 20 days after 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 after service.
3. In order to proceed with a default, you must complete and file the “Application for Entry of Default/Affidavit for Judgment by Default”.
4. You must mail a copy of the form (by regular U.S. mail) to each defendant who you are seeking to default.
5. If the defendant(s) files an answer within ten business days of the filing date of the “Application for Entry of Default/Affidavit for Judgment by Default”, the default will not become effective. The case will proceed as if the answer had been timely filed.
6. If the defendant(s) does not file an answer within ten business days of the filing date of the “Application for Entry of Default/Affidavit for Judgment by Default”, the default becomes effective.
7. The court will expect you to be able to prove your claim when a default is entered. A default judgment can be entered by request or by hearing. You must attach to the “Application for Entry of Default/Affidavit for Judgment by Default” any documents that support or prove the amount of your claim and court costs.
8. If your “Application for Entry of Default/Affidavit for Judgment by Default” indicate 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.
9. The court may either enter judgment based on the documents that you’ve filed, or it may set the matter for a default hearing.
10. A copy of any judgment or notice of hearing will be mailed to all parties by the court.

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 of the Arizona Rules of Civil Procedure.