



Judicial Council of California

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INVITATION TO COMMENT

SPR23-09

Title

Civil Practice and Procedure: Form
Revisions to Implement Senate Bill 1200

Action Requested

Review and submit comments by May 12,
2023

Proposed Rules, Forms, Standards, or Statutes

Revise forms EJ-190, EJ-195, JUD-100,
MC-012, MC-013-INFO, SC-130, SC-200,
SC-220, SC-223, SC-224; revoke SC-220-
INFO

Proposed Effective Date

January 1, 2024

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Proposed by

Civil and Small Claims Advisory Committee
Hon. Tamara L. Wood, Chair

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes the revision of nine Judicial Council forms, and revocation of one form, to implement statutory changes in Senate Bill 1200 (Stats. 2022, ch. 883), enacted September 30, 2022. SB 1200 limits the ability of a judgment creditor to renew or bring an action on a money judgment and lowers the applicable rate of postjudgment interest where the judgment and unsatisfied principal amount of the judgment meet certain criteria. The proposed revisions address these statutory changes.

In addition to these proposed revisions, two form revisions previously approved by the Judicial Council are being circulated for comment. On December 2, 2022, the Judicial Council approved revisions to *Application for and Renewal of Judgment* (form EJ-190) and *Notice of Renewal of Judgment* (form EJ-195) to address SB 1200's limitations on renewals of judgments. These revisions became effective on January 1, 2023. The council concluded that speedy revision was necessary, even before the forms were circulated for public comment, to ensure these forms conformed with the law when SB 1200 became effective on January 1, 2023. These revisions are being circulated for comment now. In addition, the committee is proposing further revision of form EJ-195..

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Background

SB 1200 (see Link A) has changed the law relating to the renewal of, and postjudgment interest rate applicable to, certain monetary judgments. Before SB 1200, a judgment creditor could extend the period of enforceability of any money judgment or judgment for possession or sale of property for 10 years by filing an application, and there was no limit to the number of times a judgment creditor could renew the judgment.¹ Judgment debtors could move to vacate or modify a judgment renewal by filing a motion within 30 days after service of the notice of renewal.² A judgment creditor could also bring an action on any judgment, provided the action was brought within 10 years.³ All money judgments accrued interest at 10 percent per year (or 7 percent per year when the judgment debtor was a state or local government entity).⁴

SB 1200 changes the law for monetary judgments where the judgment debtor is a natural person, the judgment is on a claim related to personal debt or medical expenses, and the unsatisfied principal amount of the judgment falls below certain statutory thresholds (\$50,000 for personal debt claims and \$200,000 for medical expense claims).⁵ The statute, however, exempts from its provisions any “debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee.”⁶

For money judgments that fit within these provisions, SB 1200 changes the law in three ways. First, judgment creditors may now renew the period of enforceability of these judgments only once, and only for a period of five years.⁷ Second, a judgment creditor may not bring an action on such judgments.⁸ Third, these money judgments accrue interest at a rate of 5 percent per year if the judgment was entered or renewed on or after January 1, 2023.⁹

In addition, for all judgments, when a judgment creditor files an application for renewal, a judgment debtor may now file a motion to vacate or modify the renewal within 60 days after service of the notice of renewal.¹⁰

¹ Prior Code Civ. Proc., §§ 683.110, 683.120. “Prior” as used in citations hereafter, refers to code provisions in effect prior to January 1, 2023.

² *Id.*, § 683.170(b).

³ *Id.*, § 683.050.

⁴ *Id.*, § 685.010(a); *California Fed. Savings & Loan Assn. v. City of Los Angeles* (1995) 11 Cal.4th 342, 352.

⁵ Code Civ. Proc., §§ 683.110(c), 685.010(a)(2)(A).

⁶ *Id.*, §§ 683.110(d)(2), 685.010(a)(2)(C)(ii).

⁷ *Id.*, §§ 683.110(c); 683.120(c).

⁸ *Id.*, § 683.050(b). This change is not reflected in Judicial Council forms, so is not addressed further in this proposal.

⁹ *Id.*, § 685.010(a)(2).

¹⁰ *Id.*, § 683.170(b).

The Proposal

Revisions to enforcement of judgment forms relating to judgment renewal

In light of SB 1200's limitations to the length and number of renewals of certain money judgments, the council previously approved revisions to two enforcement of judgment forms. In addition to inviting comment on these prior revisions, the committee is proposing further revisions to one of these forms.

Previously approved revisions to two enforcement of judgment forms.

On December 2, 2022, the Judicial Council approved revisions to *Application for and Renewal of Judgment* (form EJ-190) and *Notice of Renewal of Judgment* (form EJ-195).¹¹ These revisions were approved effective January 1, 2023 because the new law became operative on that date. Because the filing of form EJ-190 automatically renews the judgment without any judicial action and form EJ-195 is a mandatory form that provides the debtor with information about the renewal—which would have been incorrect as of January 1—the council determined that prompt revision was warranted and therefore the forms were approved before the revisions were circulated for public comment.

These previously approved revisions are summarized below.

- *Application for and Renewal of Judgment* (form EJ-190). A new subitem 5j has been added to the information required in the form for renewal of money judgments. This subitem requires the judgment creditor to indicate whether the money judgment to be renewed involves a claim for personal debt with a principal amount of under \$50,000 remaining unsatisfied, a claim for medical expenses with a principal amount of under \$200,000 remaining unsatisfied, some other claim (which would not be subject to SB 1200's renewal limitations), or any combination of these choices. Also added, in a box below this new subitem, is an advisement that if the judgment involves personal debt or medical expense claims against a natural person, the judgment may be renewed only once for five years after the unsatisfied principal amount falls below the statutory threshold.
- *Notice of Renewal of Judgment* (EJ-195). Before January 1, 2023, item 1 on this form stated: "This renewal extends the period of enforceability of the judgment until 10 years from the date the application for renewal was filed." Because, as of January 1, 2023, not all renewals extend the period of enforceability of the judgment for 10 years, item 1 has been revised to read "This renewal extends the enforceability of the judgment (see *Code Civ. Proc.*, § 683.110 et seq.)." Item 3 has also been revised to reflect that judgment debtors now have 60 days to file a motion to vacate or modify the renewal of a judgment.

¹¹ Judicial Council of Cal., Advisory Com. Rep., Civil Practice and Procedure: Enforcement of Judgment Form Revisions (2022).

Proposed further revision of EJ-195

In addition to the revisions that have already taken effect, the committee is recommending further revision to form EJ-195.¹² Proposed revisions to item 1 add subitems 1a and 1b by which the judgment creditor will indicate whether the renewal is for 10 years or 5 years. More importantly, the requirement that the clerk issue the form has been eliminated by removing the line for the clerk's signature. As now proposed, the form would be signed by the judgment creditor or attorney for the judgment creditor.

The committee notes that there is no statutory requirement that the clerk issue the notice of renewal of judgment. Instead, the statute governing notices of renewal of judgments simply requires that a notice of renewal be served by the judgment creditor on the judgment debtor and that the judgment creditor file a proof of service with the court clerk. The statute also requires that the notice of renewal "be in a form prescribed by the Judicial Council and shall inform the judgment debtor that the judgment debtor has 60 days within which to make a motion to vacate or modify the renewal."¹³

The committee believes that removing the requirement that the clerk issue the notice of renewal will remove unnecessary work from court staff, streamline the renewal process for judgment creditors (who have to serve the notice form in any event), and allow the form to include more information to judgment debtors. As detailed above, judgments can be renewed for either 10 years or 5 years, depending on, among other things, the nature of the claims underlying the judgment. The clerk may not indicate on the notice form which renewal term applies, because doing would be outside the clerk's ministerial role. Consequently, a notice form issued by the clerk could not provide judgment debtors with information about the length of renewal being claimed by the judgment creditor. A notice form signed by the judgment creditor, by contrast, could give judgment debtors this information and assist them in determining whether a motion to vacate or modify the renewal is appropriate.

The committee asks for specific comments on whether eliminating the clerk's signature is appropriate.

Revisions to forms referring to postjudgment interest rates

In light of SB 1200's changes to the postjudgment interest rate applicable to certain monetary judgments, the proposal includes revisions to five forms. In reviewing these forms, the committee also concluded that one form was unnecessary is so the proposal also includes the revocation of one form. These recommendations are summarized below.

- *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* (form MC-012): Item 3 has been revised to include a blank in which the

¹² For clarity, previously approved revisions to form EJ-195 are highlighted in gray and the proposed further revisions are highlighted in yellow on the attached form.

¹³ Code Civ. Proc., § 683.160(a); compare Code Civ. Proc., § 412.20 (providing that a summons shall be "signed by the clerk and issued under the seal of the court in which the action is pending").

judgment creditor is to indicate the applicable legal rate of interest used to calculate the claimed interest, and a reference to form MC-013-INFO.

- *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (MC-013-INFO): The “Accrued Interest” section has been revised to include descriptions of when the 5%, 7%, or 10% rates of interest applies. The final paragraph in this section has also been revised to more clearly advise that unpaid interest is added into the unpaid principal when a judgment is renewed. The interest calculation formulas and examples on pages 1 and 2 have been moved to pages 2 and 3 and reformatted for clarity, and examples showing an application of a 5% interest rate have been added.
- *Request to Make Payments* (form SC-220): On page 2 under “Answers to Common Questions,” in the answer to third question, “Is interest added after the judgment?” the reference to interest accruing at 10 percent per year has been removed. In addition, the second and fourth questions and answers were revised to match those same items on forms SC-223 and SC-224, as revised (see discussion below). Additional slight format and wording changes were made for clarity.
- *Payments in Small Claims Cases* (form SC-220-INFO): Because this form is identical to the second page of form SC-220, the committee proposes revoking the form as unnecessary.
- *Declaration of Default in Payment of Judgment* (form SC-223): On page 2 under “Answers to Common Questions,” in the answer to the third question, “Is interest added after the judgment?” the reference to interest accruing at 10 percent per year has been removed. In the answer to the fourth question, “How do I calculate interest?” a reference directing the reader to form MC-013-INFO for more information about the applicable rate of interest and calculating the amount of interest has been added. Additionally, in the answer to the second question, two instances of the phrase “plaintiff or defendant” have been revised to “party.” Also, the first line of the form has been reworded and slight formatting and wording changes have been made to the “General Information” section on page 2 of the form, for clarity.
- *Response to Declaration of Default in Payment of Judgment* (form SC-224): The same changes that are proposed for the second page of form SC-223 are proposed for this form.

Revisions to judgment forms

To aid the court and the parties in determining what interest rate and term of renewal apply to a particular judgment, the proposal includes adding a new item to three judgment forms. The court can use them to indicate whether the judgment involves a claim against a judgment debtor and is on a claim related to medical expenses or personal debt as provided in Code of Civil Procedure sections 683.110 and 685.010 and, if so, how much of the money judgment is on such a claim. These new items are at item 6e on *Judgment* (form JUD-100), item 10 on *Notice of Entry of Judgment* (form SC-130), and item 9 on *Notice of Entry of Judgment* (form SC-200).

The committee concluded that these revisions would be useful because they would allow the court to provide, at the time the judgment is entered, information about the action that will be determine whether or not SB 1200's provisions apply to the judgment, and so clarify what interest rate, and later what term of renewal, will apply. The committee believes these revisions will prevent confusion if questions about the applicable postjudgment interest rate or the length of a judgment renewal arise.

Alternatives Considered

The committee did not consider the alternative of taking no action to the extent revisions were needed to ensure a form complied with SB 1200. To the extent that a given revision was not required by the terms of SB 1200, the committee considered taking no action but ultimately determined that revision was warranted in light of the benefits the revisions would provide to the parties.

On form EJ-190, the committee considered further revising item 5j to specifically address SB 1200's exemption for "debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee." (Sen. Bill 1200, § 2.) The committee asks for specific comment on whether further revisions to item 5j to account for SB 1200's exemption would be useful.

On form EJ-195, the committee considered the possibility of continuing to have the clerk issue the form. The committee contemplated the possibility that having the clerk's signature and seal on the form may help convey to the judgment debtor that the filing of the judgment renewal had a legal effect, and that the judgment debtor needed to act if they disagreed. Ultimately, however, the committee believes that the benefits to the parties in streamlining the renewal process and having a notice form that will provide the judgment debtor more information as to the length of the renewal outweigh any benefits gained by continuing to have the clerk issue the form.

On the proposed new items added to JUD-100, SC-130, and SC-200 (items 6c, 10, and 9, respectively), the committee considered adding language conveying SB 1200's exemption for "debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee."¹⁴ Because space on the form is limited, and because these forms will be filled out by courts, the committee determined that it was sufficient to include the phrase "as provided in Code Civ. Proc., §§ 683.110, 685.010" at the end of the item to ensure the items were properly applied.

Fiscal and Operational Impacts

The statutory changes will require education of court staff and judicial officers. The new forms are intended to facilitate courts' and parties' implementation of the changes in statute and will

¹⁴ Code Civ. Proc., §§ 683.110(d)(2), 685.010(a)(2)(C)(ii).

also require education and possibly some changes to computerized case management systems as well.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should item 5j on form EJ-190 be further revised to account for SB 1200’s exemption for “debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee”?
- Should form EJ-195 be further revised to be signed by the judgment creditor (or the creditor’s attorney) rather than issued by the court clerk?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms EJ-190, EJ-195, JUD-100, MC-012, MC-013-INFO, SC-130, SC-200, SC-220, SC-220-INFO, SC-223, and SC-224, at pages 8–30
2. Link A: Sen. Bill 1200,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1200

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS:
 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

PLAINTIFF:
DEFENDANT:

CASE NUMBER:

APPLICATION FOR AND RENEWAL OF JUDGMENT

FOR COURT USE ONLY

Judgment creditor

Assignee of record

applies for renewal of the judgment as follows:

1. Applicant (name and address):

2. Judgment debtor (name and last known address):

3. Original judgment

a. Case number (specify):

b. Entered on (date):

c. Recorded:

(1) Date:

(2) County:

(3) Instrument No.:

4. Judgment previously renewed (specify each case number and date):

5. Renewal of money judgment

a. Total judgment \$

b. Costs after judgment \$

c. Subtotal (add a and b) \$ _____

d. Credits after judgment \$

e. Subtotal (subtract d from c) \$ _____

f. Interest after judgment \$

g. Fee for filing renewal application \$

h. Total renewed judgment (add e, f, and g) \$ _____

i. The amounts called for in items a–h are different for each debtor.
These amounts are stated for each debtor on Attachment 5.

SHORT TITLE:	CASE NUMBER:
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5. j. The money judgment (*check all that apply*)

- (1) has a principal amount remaining unsatisfied of under \$50,000 and is for a claim related to personal debt.
- (2) has a principal amount remaining unsatisfied of under \$200,000 and is for a claim related to medical expenses.
- (3) relates to any other claims, including claims for personal debt or medical expenses that do not otherwise fit within items (1) or (2).

Note: From the point when the unsatisfied principal amount is below \$50,000 for personal debt claims or \$200,000 for medical expense claims, a judgment against a natural person may only be renewed once, for five years from the date an application is filed. (Code Civ. Proc., §§ 683.110–683.120.)

6. Renewal of judgment for possession.
 sale.

a. If judgment was not previously renewed, terms of judgment as entered:

b. If judgment was previously renewed, terms of judgment as last renewed:

c. Terms of judgment remaining unsatisfied:

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

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">03.06.2023</h2> <h2 style="margin: 0;">Not approved</h2> <h2 style="margin: 0;">by Judicial</h2> <h2 style="margin: 0;">Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
NOTICE OF RENEWAL OF JUDGMENT		CASE NUMBER:

TO JUDGMENT DEBTOR (name):

1. **This renewal extends** the period of enforceability of the judgment until

- a. 10 years from the date the application for renewal was filed.
- b. 5 years from the date the application for renewal was filed.

(The judgment creditor should check 1b if the judgment is a money judgment; is not based on tortious or fraudulent conduct or for unpaid wages, damages, or penalties owed to an employee; and, as of the date of the application of renewal, the judgment:

- has an unsatisfied principal amount under \$50,000 and relates to a claim for personal debt; or
- has an unsatisfied principal amount under \$200,000 and relates to a claim for medical expenses.)

2. **If you object** to this renewal, you may make a motion to vacate or modify the renewal with this court.

3. You must make this motion within **60 days** after service of this notice on you.

4. A copy of the *Application for and Renewal of Judgment* is attached (*Cal. Rules of Court, rule 3.1900*).

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF JUDGMENT CREDITOR OR ATTORNEY)

See Code of Civil Procedure section 683.160 for information on method of service

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 03.06.2023 Not approved by Judicial Council									
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:										
PLAINTIFF: DEFENDANT:										
<table style="width:100%; border: none;"> <tr> <td style="text-align: center;">JUDGMENT</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> By Clerk</td> <td><input type="checkbox"/> By Default</td> <td><input type="checkbox"/> After Court Trial</td> </tr> <tr> <td><input type="checkbox"/> By Court</td> <td><input type="checkbox"/> On Stipulation</td> <td><input type="checkbox"/> Defendant Did Not Appear at Trial</td> </tr> </table>	JUDGMENT			<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial	<input type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:
JUDGMENT										
<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial								
<input type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial								

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).

2. **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. the signed written stipulation was filed in the case.
 - c. the stipulation was stated in open court the stipulation was stated on the record.

3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on (date and time):
before (name of judicial officer):
 - b. Appearances by:

<input type="checkbox"/> Plaintiff (name each):	<input type="checkbox"/> Plaintiff's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> Defendant (name each):	<input type="checkbox"/> Defendant 's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

4. **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

- a. for plaintiff (*name each*):
- c. for cross-complainant (*name each*):

and against defendant (*names*):
and against cross-defendant (*name each*):

Continued on Attachment 5a.
 Continued on Attachment 5c.

- b. for defendant (*name each*):
- d. for cross-defendant (*name each*):

6. **Amount.**

- a. Defendant named in item 5a above must pay plaintiff on the complaint:
- c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1) <input type="checkbox"/> Damages	\$	
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of	\$	
%		
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input type="checkbox"/> Costs	\$	
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$	
(6) TOTAL		\$

(1) <input type="checkbox"/> Damages	\$	
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of	\$	
%		
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input type="checkbox"/> Costs	\$	
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$	
(6) TOTAL		\$

- b. Plaintiff to receive nothing from defendant named in item 5b.
 Defendant named in item 5b to recover costs \$
 and attorney fees \$
- d. Cross-complainant to receive nothing from cross-defendant named in item 5d.
 Cross-defendant named in item 5d to recover costs \$
 and attorney fees \$

e. Judgment debtor is a natural person, and \$ _____ of this judgment is on a claim related to medical expenses or personal debt as provided in Code Civ. Proc., §§ 683.110, 685.010.

7. Other (*specify*):

Date: _____ JUDICIAL OFFICER

Date: Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (Optional)
I certify that this is a true copy of the original judgment on file in the court.

Date: _____
Clerk, by _____, Deputy

Short Title:	CASE NUMBER:
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PROOF OF SERVICE

Mail **Personal Service**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is:

3. I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (complete either a or b):
 - a. **Mail.** I am a resident of or employed in the county where the mail occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows.
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

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

Date: _____

(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)
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**INFORMATION SHEET FOR CALCULATING INTEREST
AND AMOUNT OWED ON A JUDGMENT**

What can the judgment creditor recover?

Under California law, the amount recoverable by a judgment creditor (the party to whom money is owed) includes:

- The total amount of the judgment entered by the court (principal), plus costs;
- Costs after judgment under Code of Civil Procedure section 685.070; and
- Accrued interest on the total amount.

Costs After Judgment

A judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. These costs must be reported to the court within two years of the date incurred. The judgment amount includes costs ordered by the court after the judgment. (For information on recovering costs and a detailed list of costs that can be recovered see Code of Civil Procedure sections 685.040, 685.050 et seq., 685.070(b), and 685.090; see also “Requesting Costs and Interest” below).

Accrued Interest (*See Code Civ. Proc., §§ 685.010, 685.020(a), and Cal. Const., art. XV, § 1.*)

Interest accrues on an unpaid judgment at the following legal rates:

- The rate of interest is 10% per year unless one of the following lower interest rates apply.
- The rate of interest is 7% per year if the judgment debtor (the party who owes the money) is a state or local government entity.
- The rate of interest is 5% per year if the judgment debtor is a natural person and the judgment meets all of the following requirements:
 - The judgment was entered or renewed after January 1, 2023.
 - The judgment is for a claim related either to personal debt (and the unpaid principal amount is under \$50,000) or medical expenses (and the unpaid principal amount is under \$200,000).
 - The judgment is not based on tortious or fraudulent conduct or for unpaid wages, damages, or penalties owed to an employee.

Note that for judgments that otherwise meet these requirements, the interest rate will change from 10% to 5% once the unpaid principal falls below the above amounts.

Interest generally accrues from the date the judgment is entered. Interest begins to accrue on the amount of costs added to a judgment from the date ordered by the court or from the date costs are allowed following expiration of the time to object. If the judgment is payable in installments, interest accrues from the date each installment is due. On renewal of a judgment, unpaid interest that has accrued is added to the principal of the judgment and interest begins to accrue on the day the renewed judgment is entered.

Requesting Costs and Interest

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve a *Memorandum of Costs After Judgment* (form MC-012). On that form, the judgment creditor must include the exact amount of all costs and accrued interest. This means the judgment creditor is responsible for calculating the amount of interest that accrues on the judgment. It is useful to update this calculation after receiving payments.

Crediting Payments Received

Any payments received by the judgment creditor must be “credited” in a specific order. (Code Civ. Proc., § 695.220.) After specific costs go directly to the levying officer and to the court for fees, the judgment creditor is required to credit payments received first toward *accrued interest* and then toward the *judgment principal* (including costs approved by the court after entry of the judgment).

Calculation of Interest on Judgment and Amount Due

The following are various formulas and examples to assist with the calculation of interest on a judgments using both a 5% and a 10% interest rate.

- **Calculating the Total Amount Due, Including Interest, on the date of payment, if there have been no prior payments or credits**

Step 1: Calculate the daily interest on a judgment. This is the amount of interest earned per day on a judgment. To calculate the daily interest, use the following formula:

Formula: (Total amount of judgment owed) x (applicable interest rate) = interest earned per year. That number divided by 365 = amount of daily interest.

Example: Judgment debtor owes the judgment creditor \$5,000 (the “judgment principal”).

5% Interest Rate	10% Interest Rate
$\$5,000 \times 0.05 = \250 $\$250/365 = \0.69 daily interest	$\$5,000 \times 0.10 = \500 $\$500/365 = \1.37 daily interest
The amount of interest earned will be \$0.69 per day as long as the unpaid amount remains \$5,000.	The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

Step 2: Count the total number of days that have passed since the court entered the final judgment up to the day of payment. Then calculate the amount of interest owed on the date of payment using the following formula.

Formula: (Total number of days since judgment was entered) x (amount of interest per day, calculated in Step 1) = amount of interest owed on the date of payment.

Example: A \$5,000 judgment was entered on June 1 and the judgment debtor paid the judgment on September 8; 100 days from the entry of the judgment have passed.

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above) $\$0.69$ per day x 100 days = \$69 interest owed on the date of payment	The daily interest is \$1.37 (see above) $\$1.37$ per day x 100 days = \$137 interest owed on the date of payment.
The judgment debtor owes \$69 in interest on the principal of \$5,000 on the date of payment.	The judgment debtor owes \$137 in interest on the principal of \$5,000 on the date of payment.

Step 3: Add the amount of interest that has accrued to the amount of the judgment.

5% Interest Rate	10% Interest Rate
$\$5,000$ judgment + \$69 interest = \$5,069	$\$5,000$ judgment amount + \$137 interest = \$5,137
The judgment debtor owes a total of \$5,069 on the 100th day after the court entered judgment.	The judgment debtor owes a total of \$5,137 on the 100th day after the court entered judgment.

- **Crediting partial payments and recalculating the amount due**

If the judgment debtor does not pay all that is owed at one time, the partial payments the debtor makes are credited to the interest *first* and then to the judgment amount (the principal) owed.

Example: The judgment principal is \$5,000. After 200 days, the judgment debtor pays \$1,000.

Step 1: Calculate the amount of interest owed on the date of payment

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above) \$0.69 per day x 200 days = \$138 interest owed on the date of payment	The daily interest is \$1.37 (see above) \$1.37 per day x 200 days = \$274 interest owed on the date of payment.

Step 2: Apply payment to interest

5% Interest Rate	10% Interest Rate
The judgment debtor paid \$1,000, which first must be used to credit the \$138 of accrued interest.	The judgment debtor paid \$1,000, which first must be used to credit the \$274 of accrued interest.
That leaves a balance of \$862 ($\$1,000 - \$138 = \862) to be credited towards the \$5,000 principal.	That leaves a balance of \$726 ($\$1,000 - \$274 = \726) to be credited towards the \$5,000 principal.

Step 3: Apply remainder to principal

5% Interest Rate	10% Interest Rate
The remaining credit of \$862 is applied to the judgment principal. The judgment debtor now owes \$4,138 on the judgment principal ($\$5,000 - \$862 = \$4,138$).	The remaining credit of \$726 is applied to the judgment principal. The judgment debtor now owes \$4,274 on the judgment principal ($\$5,000 - \$726 = \$4,274$).

Step 4: Calculate the new daily interest rate

5% Interest Rate	10% Interest Rate
$\$4,138$ (new principal) x 5% = \$206.90 interest per year $\$206.90/365$ days = \$0.57 interest earned per day	$\$4,274$ (new principal) x 10% = \$427.40 interest per year $\$427.40/365$ days = \$1.17 interest earned per day

Example: After 100 days, the judgment debtor makes a second payment of \$500. (Recalculate using Steps 1-4.)

5% Interest Rate	10% Interest Rate
Amount of accrued interest over 100 days: 100 days x \$0.57 daily interest = \$57 total interest.	Amount of accrued interest over 100 days: 100 days x \$1.17 daily interest = \$117 total interest
\$500 payment credited to interest first: \$500 payment - \$57 interest = \$443 remaining.	\$500 payment credited to interest first: \$500 payment - \$117 interest = \$383 remaining
Remainder credited to principal: \$4138 principal - \$443 remainder = \$3,695 new principal	Remainder credited to principal: \$4,274 principal - \$383 remaining = \$3,891 new principal
Calculate new daily interest: $\$3,695$ x 5% = $\$184.75/365 = \0.51 interest per day	Calculate new daily interest: $\$3,891$ x 10% = $\$389.10/365 = \1.07 interest per day

Not approved by Judicial Council

SMALL CLAIMS CASE NO.:

<p>NOTICE TO ALL PLAINTIFFS AND DEFENDANTS: Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.</p>	<p>AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS: Su caso ha sido resuelto por la corte para reclarnos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.</p>
---	---

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, street address, and telephone number of each):

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

See attached sheet for additional plaintiffs and defendants.

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on (date):

- Defendant (name, if more than one): shall pay plaintiff (name, if more than one): \$ _____ principal and: \$ _____ costs on plaintiffs claim.
- Defendant does not owe plaintiff any money on plaintiff's claim.
- Plaintiff (name, if more than one): shall pay defendant (name, if more than one): \$ _____ principal and \$ _____ costs on defendant's claim.
- Plaintiff does not owe defendant any money on defendants claim.
- Possession of the following property is awarded to plaintiff (describe property):
- Payments are to be made at the rate of: \$ _____ per (specify period): _____, beginning on (date): _____ and on the (specify day): _____ day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
- Dismissed in court with prejudice. without prejudice.
- Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (form SC-132) is attached.
- Other (specify):
- Judgment debtor is a natural person, and \$ _____ of this judgment is on a claim related to medical expenses or personal debt as provided in Code Civ. Proc., §§ 683.110, 685.010.
- This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's drivers license suspended.
- Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
- This notice was personally delivered to (insert name and date):
- CLERK'S CERTIFICATE OF MAILING I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: _____, California

Date of mailing:

Clerk, by _____, Deputy

The county provides small claims advisor services free of charge. Read the information sheet on the reverse.

INFORMATION AFTER JUDGMENT	INFORMACION DESPUES DEL FALLO DE LA CORTE
<p>Your small claims case has been decided. The judgment or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the judgment creditor. The person (or business) who lost the case and who owes the money is called the judgment debtor.</p> <p>Enforcement of the judgment is postponed until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.</p>	

IF YOU LOST THE CASE . . .

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is **FINAL**. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
 - a. **PAY THE JUDGMENT**
The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford.
Ask the clerk for information about these procedures.
 - b. **APPEAL**
If you disagree with the court's decision, you may appeal the decision on *the other party's claim*. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on *all* the claims. If you appeared at the trial, you *must* begin your appeal by filing a form called a *Notice of Appeal* (form SC-140) and pay the required fees within 30 days after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a **new trial** and you must present your evidence again. You may be represented by a lawyer.
 - c. **VACATE OR CANCEL THE JUDGMENT**
If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fee *within 30 days* after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have 10 days from the date the notice of denial was mailed to file an appeal. The period to file the *Motion to Vacate the Judgment is 180 days* if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

- b. **VOLUNTARY PAYMENT**
Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**
- c. **STATEMENT OF ASSETS**
If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.
- d. **ORDER OF EXAMINATION**
You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an *Application and Order for Appearance and Examination (Enforcement of Judgment)* (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtor's financial records. Ask the clerk for the *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form SUBP-002).
- e. **WRIT OF EXECUTION**
After you find out about the judgment debtor's property, you may ask the court for a *Writ of Execution* (form EJ-1 30) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: **wages, bank account, automobile, business property, or rental income.** For some kinds of property, you may need to file other forms. See the law officer for information.
- f. **ABSTRACT OF JUDGMENT**
The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an *Abstract of Judgment* (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for the *Abstract of Judgment*.

IF YOU WON THE CASE . . .

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
 - a. **COLLECTING FEES AND INTEREST**
Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for a *Memorandum of Costs*.

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If an *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT (*Do not use this form if an Abstract of Judgment has been recorded.*)

To the Clerk of the Court:

I am the judgment creditor assignee of record.
I agree that the judgment in this action has been paid in full or otherwise satisfied.
Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE)

Clerk stamps here when form is filed.

DRAFT

03/06/2023

Not approved by the Judicial Council

This form tells you the court's decision (judgment) in this small claims case. The date the small claims clerk handed or mailed you this form is very important. That date sets the deadline for the parties to take legal steps to protect or enforce their rights.

If the court ordered you to pay money, your wages, money, or property can be taken, if you do not pay the judgment within 30 days. You may also have to pay interest. If the court decided that you owe money because of an auto accident, the Department of Motor Vehicles (DMV) can suspend your driver's license.

If you disagree with the judgment, you may have the right to appeal or to ask the court to cancel or correct the judgment. To protect these rights, you must file papers with the court within 30 days after this notice was mailed or handed to you.

Read pages 3 and 4. They explain your rights and responsibilities, whether you won or lost the case.

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

1 The judgment (decision) in this small claims case was entered on (date):

2 The judgment cannot be enforced until after the 30-day right to appeal or file a motion to vacate (cancel) or correct the judgment has ended. If an appeal or a motion to cancel or correct the judgment is properly filed, the judgment cannot be enforced until the appeal or motion is decided.

3 Judgment on the Plaintiff's Claim

Plaintiff's name, if more than one:

Defendant's name, if more than one:

- a. The plaintiff's claim against (check one): all parties (name) is dismissed and (1) may not be filed again. (The claim is dismissed with prejudice.) (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)

b. The defendant (name) does not have to pay the plaintiff anything.

c. The defendant (name) must pay the plaintiff (name) (total amount): \$, which includes: principal: \$ + interest: \$ + court costs: \$ - offset: \$ Reason for offset, if any:

- d. More than one person owes money on this claim. The liability of each person is: (1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.) (2) Other (specify):

e. The defendant (name) must give the plaintiff (name) (specify property): by (date): The property is specified on Attachment 3e.

4 Judgment on the Defendant's Claim

Defendant's name, if more than one:

Plaintiff's name, if more than one:

Case Name: _____

- 4 a. The defendant's claim against (*check one*): all parties (*name*): _____ is dismissed and
 - (1) may not be filed again. (The claim is dismissed with prejudice.)
 - (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)
- b. The plaintiff (*name*): _____ does not owe any money on this claim.
- c. The plaintiff (*name*): _____ must pay the defendant (*name*): _____
 (*total amount*): \$ _____, which includes:
 principal: \$ _____ + interest: \$ _____ + court costs: \$ _____ - offset: \$ _____
 Reason for offset, if any: _____
- d. More than one person owes money on this claim. The liability of each person is:
 - (1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.)
 - (2) Other (*specify*): _____
- e. The plaintiff (*name*): _____ must give the defendant (*name*): _____
 (*specify property*): _____ by (*date*): _____
 The property is specified on Attachment 4e.

- 5 Payments (*Name*): _____
 may pay the judgment to (*name*): _____ as follows:
 - a. Payments of \$ _____ on the _____ day of each (*month, week, other*) _____
 starting (*date*): _____ and a final payment of: \$ _____ on (*date*): _____
 - b. Other payment schedule (*specify*): _____
 - c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if payments are made late or early.
 - d. The total amount of the payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment and the judgment will have been paid in full.
 - e. If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan, and the entire unpaid balance will become due and collectible.

Other Orders

- 6 Decisions on other claims or parties are stated in Attachment 6.
- 7 After offsetting the judgments on the claims, (*name*): _____
 owes (*name*): _____ \$ _____
- 8 This judgment against (*name*): _____
 is for damage or injury because of an automobile vehicle accident on a California highway caused by the judgment debtor or by another party for whose conduct the judgment debtor is liable (other than liability because the party signed a minor's driver's license application).
- 9 Judgment debtor is a natural person, and \$ _____ of this judgment is on a claim related to medical expenses or personal debt as provided in Code Civ. Proc., §§ 683.110, 685.010.
- 10 The court finds that the defendant's rights under the Servicemembers Civil Relief Act were not prejudiced by the entering of a judgment against the defendant because the defendant was not a servicemember or had notice and was available to defend this action.
- 11 Form SC-202A, *Decision on Attorney-Client Fee Dispute*, is attached.
- 12 Other (*specify*): _____
 Continued on Attachment 11.

Date: _____

Clerk, by _____, Deputy



What to Do After the Court Decides Your Small Claims Case

First, read the court's decisions on pages 1 and 2. They will tell you the court's judgment in this case. **Then read this form.** It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you this *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly.
- Pay the court. (To do this, file Form SC-145, *Request to Pay Judgment to Court*.) Or
- Ask the court to let you make payments. (To do this, file Form SC-220, *Request to Make Payments*.)

If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after the *Notice of Entry of Judgment* was handed or mailed to you, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, he or she may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to your small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do this, file Form SC-140, *Notice of Appeal*, within 30 days after the *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 4)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to www.courtinfo.ca.gov/selfhelp/smallclaims/collectintro.htm.

Important! The judgment debtor has **30 days** after the *Notice of Entry of Judgment* was handed or mailed to him or her to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed the *Notice of Entry of Judgment*, the debtor must send you Form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed Form SC-133**, you can file Form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief.
- **If the debtor does send you Form SC-133, you can still have the debtor come to court to answer questions** about income and property. To do this, file Form EJ-125, *Application and Order for Appearance and Examination*.

(Continued on page 4)



If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to your trial, you can ask the court to vacate (cancel) the judgment. To do this, file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, within 30 days* after the *Notice of Entry of Judgment* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

Exception:* If the claim against you was not properly served, you have **180 days from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete Form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed the *Notice of Entry of Judgment*.

Warning! If you do not deliver the completed Form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay you...

(continued)

- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out Form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do this, fill out and ask the court clerk to issue Form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do this, fill out and ask the court clerk to issue Form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If an *Abstract of Judgment* has not been recorded, you may use Form SC-290. If an abstract has been recorded, use Form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



Need help?

For free help, contact your county's small claims advisor:
[local info here]

Or go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Clerk stamps here when form is filed.

DRAFT
2.28.2023
Not approved
by Judicial
Council

Read the other side before you fill out this form.

1 I am asking for permission to pay my small claims judgment in payments.

My name is: _____

Mailing address: _____

Phone: _____

2 On (date): _____, the court made the decision (judgment) that:

Fill in the court name and street address:

I owe (total amount): \$ _____

To (name of party you must pay): _____

Mailing address: _____

Phone: _____

Superior Court of California, County of

3 I am asking for permission to make payments, instead of paying the full amount all at once, because (explain):

Fill in your case number and case name:

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-220, Item 3" at the top.

Case Number:

Case Name:

4 I ask the court to allow me to make payments on the following terms (check and complete all that apply):

a. Payments of \$ _____, on the _____ day of each (month, week, other): _____ Starting (date): _____, until (date of final payment): _____; amount of final payment: \$ _____

b. Other payment schedule (specify): _____

c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if the payments are made late or early. Attach a page that shows how you calculated the interest and write "SC-220, Item 4c" at the top.

d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e. Other (specify): _____

Warning! If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign here

Payments in Small Claims Cases

General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Fill out form SC-220, *Request to Make Payments*. Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out form EJ-165, *Financial Statement*.
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, and a blank form SC-221, *Response to Request to Make Payments*.

The other parties will have 10 days to file a **Response**. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*:

- If, after reading the *Request*, you agree with the *Request*, you do not need to do anything.
- If you do not agree with the *Request* or you want to be paid interest, fill out and file form SC-221, *Response to Request to Make Payments*, within 10 days after the court clerk mailed the *Request* to you. (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

To file your **Response**:

- Have your *Response* served on all other plaintiffs and defendants in your case. (See form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

When can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time. If payments are not made on time, the judgment creditor can ask the court to order that the remaining balance of the judgment is due and collectible.

Is interest added after the judgment?

Interest is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal.

When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the judgment creditor asks for interest to be included in the order allowing payments, the judgment creditor may lose any claims for interest. But if the judgment debtor does not make full payments on time, interest on the missed payment or the entire unpaid principal.

How do I calculate interest?

If you are asking for interest or disagreeing with a request for interest, you need to explain your interest calculation. Interest may be added to the full unpaid balance of the judgment or only to payments that were not made on time. To calculate interest, show the unpaid principal balance, the dates and number of days you want the court to allow interest on that amount, and the total interest for that period. If payments were made, you will need to make separate calculations for the reduced principal balance after each payment. For more information on the applicable rate of interest and calculating the amount of interest, see *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO).



Need help?

For free help, contact your county's small claims advisor:

[local info here]

Or go to "County-Specific Court Information" at www.courts.ca.gov/selfhelp-smallclaims.htm

General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Read this form.
- Fill out Form SC-220, *Request to Make Payments*
Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out Form EJ-165, *Financial Statement*
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, this information form, and a blank Form SC-221, *Response to Request to Make Payments* .

The other parties will have 10 days to file a Response. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*...

- Read this form and the *Request* .
- If you agree with the *Request*, you do not need to do anything.
- **If you do not agree with the *Request* or you want to be paid interest, file a *Response* within 10 days after the court clerk mailed the *Request* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

To file your Response:

- Fill out Form SC-221, *Response to Request to Make Payments*.
- Have your *Response* served on all other plaintiffs and defendants in your case. (See Form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

Can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (the judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time.

Is interest added after the judgment?

Interest (10 percent per year) is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid

interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal. When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the creditor asks for interest to be included in the order allowing payments, the creditor may lose any claims for interest. But, if the debtor does not make full payments on time, interest on the missed payment or the entire unpaid balance might become due and collectible.

How do I calculate interest?

If you are proposing a payment schedule that includes interest, you need to itemize the principal and interest for each payment. To do this, you can search on the Internet for "free amortization calculator." Enter the total amount of the judgment as the principal, the interest rate of 10 percent per year, the frequency of payments (monthly, weekly, etc.), and the number or length of payments. Print the results showing the payment amount and how each payment is divided between principal and interest. Attach this to your *Request* or *Response*.



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Declaration of Default in Payment of Judgment

Clerk stamps here when form is filed.

DRAFT 03.06.2023 Not approved by Judicial Council

Important: Read the other side if this form was mailed to you or before you fill out this form. If you are the judgment debtor named in (2) and you disagree with this Declaration of Default in Payment of Judgment, you may file form SC-224, Response to Declaration of Default in Payment of Judgment, within 10 days after the declaration was mailed to you.

(1) I am asking the court to order that the remaining balance of a small claims judgment is now due and collectible because payments were not made as the court ordered.

My name is: _____

Mailing address: _____

Phone: _____ Email (optional): _____

(2) The judgment debtor who has not made payments as the court ordered is (complete a separate form for each judgment debtor who has not paid as ordered):

Name: _____

Mailing address: _____

Phone: _____ Email (optional): _____

(3) On (date): _____ the court ordered that the judgment debtor named in (2) must pay me, or someone who assigned the judgment to me, principal, prejudgment interest, and costs in the total amount of \$ _____.

(4) On (date): _____ the court ordered that the judgment debtor named in (2) may pay the judgment described in (3) as follows:

a. [] Payments of \$ _____, on the _____ day of each (month, week, other): _____ starting (date): _____, until (date of final payment): _____; amount of final payment: \$ _____

b. [] Other payment schedule (specify): _____

(5) The payments listed below, and no others, have been made on the judgment described in (3).

[] Check here if there is not enough space below. List the date and amount of each payment on a separate page and write "SC-223, Item 5" at the top.

Table with 8 columns: Date, Amount, Date, Amount, Date, Amount, Date, Amount

(6) The total amount of the payments that have been made on the judgment described in (3) is \$ _____, and the balance due, without adding any interest after the judgment, is \$ _____.

(7) I request interest on the judgment, in the amount of \$ _____, calculated as follows:

[] Check here if there is not enough space below. Explain how you calculated interest on a separate page and write "SC-223, Item 7" at the top.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign here



Default in Payments on Small Claims Judgment

General Information

If the court ordered that another plaintiff or defendant (judgment debtor) may pay a small claims judgment in payments, and that judgment debtor has not made the payments as ordered, you can ask the court to order that the full balance of the judgment is due and collectible. Here's how:

- Fill out page 1 of form SC-223, *Declaration of Default in Payment of Judgment*. Fill out a separate form for each judgment debtor who did not make payments as ordered.
- File your completed form(s) with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of the *Declaration* and a blank form SC-224, *Response to Declaration of Default in Payment of Judgment*.

The judgment debtor will have 10 days to file a **Response**. Then the court will mail all plaintiffs and defendants in the case:

- A decision, or
- A notice to go to a hearing.

If the court ordered that you may make payments on a judgment, and another plaintiff, defendant, or person to whom the judgment has been assigned (judgment creditor) has filed form SC-223, *Declaration of Default in Payment of Judgment*, asking the court to order that the full balance is now due and collectible because you did not make the payments:

- If, after reading the *Declaration*, you agree with the court ordering that the amounts claimed in the *Declaration* are now due in full, you do not need to do anything.
- If you do not agree with the *Declaration* or with the court ordering that the amounts it claims are now due in full, fill out and file form SC-224, *Response to Declaration of Default in Payment of Judgment*, within 10 calendar days after the court clerk mailed the *Declaration* to you. (This date is on the *Clerk's Certificate of Mailing*.)

To file your **Response**:

- Have your *Response* served on the judgment creditor and all other plaintiffs and defendants in your case. (See form SC-112A, *Proof of Service by Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

When can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time. If payments are not made on time, the judgment creditor can ask the court to order that the remaining balance of the judgment is due and collectible.

Is interest added after the judgment?

Interest is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal.

When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the judgment creditor asks for interest to be included in the order allowing payments, the judgment creditor may lose any claims for interest. But if the judgment debtor does not make full payments on time, interest on the missed payment or the entire unpaid principal.

How do I calculate interest?

If you are asking for interest or disagreeing with a request for interest, you need to explain your interest calculation. Interest may be added to the full unpaid balance of the judgment or only to payments that were not made on time. To calculate interest, show the unpaid principal balance, the dates and number of days you want the court to allow interest on that amount, and the total interest for that period. If payments were made, you will need to make separate calculations for the reduced principal balance after each payment. For more information on the applicable rate of interest and calculating the amount of interest, see *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO).



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Clerk stamps here when form is filed.

DRAFT 12.19.2022 Not approved by Judicial Council

Important: If you disagree with a judgment creditor's Declaration of Default in Payment of Judgment (form SC-223), you may file a Response to Declaration of Default in Payment of Judgment (form SC-224) within 10 days after form SC-223 was mailed to you. Read the other side before you fill out this form.

1 I am responding to a Declaration of Default in Payment of Judgment (form SC-223).

My name is: _____

Mailing address: _____

Phone: _____ Email (optional): _____

Fill in the court name and street address:

Superior Court of California, County of

2 The plaintiff or defendant (judgment creditor) who filed the Declaration of Default is:

Name: _____

Mailing address: _____

Phone: _____ Email (optional): _____

Fill in your case number and case name:

Case Number:

Case Name:

3 I agree with the information in the Declaration of Default.

4 I do not agree that the court ordered the payment schedule stated in item 4 of the Declaration of Default. (Describe your disagreement.)

5 I do not agree with the dates or amounts of the payments listed in item 5 of the Declaration of Default. The payments listed below have been made on the judgment.

Check here if there is not enough space below. List the date and amount of each payment on a separate page and write "SC-224, Item 5" at the top.

Table with 8 columns: Date, Amount, Date, Amount, Date, Amount, Date, Amount

6 The total amount of the payments that have been made on the judgment is \$ _____, and the balance due, without adding any interest after the judgment, is \$ _____.

7 I agree that interest in the amount of \$ _____ may be added to the balance of the judgment. This interest is calculated as follows:

Check here if there is not enough space below. Explain how you calculated interest on a separate page and write "SC-224, Item 7" at the top.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign here



Default in Payments on Small Claims Judgment

General Information

If the court ordered that you may make payments on a judgment, and another plaintiff, defendant, or person to whom the judgment was assigned (judgment creditor) has filed form SC-223, *Declaration of Default in Payment of Judgment*, asking the court to order that the full balance is now due and collectible because you did not make the payments:

- Read this form and the *Declaration*.
- If you agree with the court ordering that the amounts claimed in the *Declaration* are now due in full, you do not need to do anything.
- **If you do not agree with the *Declaration* or with the court ordering that the amounts it claims are now due in full, file a *Response* within 10 calendar days after the court clerk mailed the *Declaration* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do so, the court may order that the balance of the judgment is now due and collectible in full and may also order interest on the unpaid amount of the judgment. .

To file your *Response*:

- Fill out form SC-224, *Response to Declaration of Default in Payment of Judgment*.
- Have your *Response* served on all other plaintiffs and defendants in your case. (See form SC-112A, *Proof of Service by Mail*.)
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When is the judgment due?

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When can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time. If payments are not made on time, the judgment creditor can ask the court to order that the remaining balance of the judgment is due and collectible.

Is interest added after the judgment?

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