

SC-223

Declaration of Default in Payment of Judgment

Clerk stamps here when form is filed.

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

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

Fill in the court name and street address:

Superior Court of California, County of Stanislaus
300 Starr Avenue
300 Starr Avenue
Turlock, CA 95380

Fill in your case number and case name:

Case Number:

Case Name:



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:

- Read this form.
- 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:

- 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*.)

To file your *Response*:

- Fill out Form SC-224, *Response to Declaration of Default in Payment of Judgment*.
- 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 plaintiff or defendant 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 plaintiff or defendant 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 (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 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 balance might become due and collectible.

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, at the rate of 10 percent per year (.0274 percent per day), 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.



Need help?

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SC-224

Response to Declaration of Default in Payment of Judgment

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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: _____ E-mail (optional): _____

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

Name: _____

Mailing address: _____

Phone: _____ E-mail (optional): _____

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.

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

Fill in the court name and street address:

Superior Court of California, County of Stanislaus
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300 Starr Avenue
Turlock, CA 95380

Fill in your case number and case name:

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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*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

The court will mail all plaintiffs and defendants in the case

- A decision, or
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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 plaintiff or defendant 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. 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.

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- 1 A judgment was entered in this case on (date): ... against (name of judgment debtor): ...
2 On (date): ... the court ordered that the judgment debtor named in 1 may pay the judgment 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. The payment schedule is stated on Form SC-225A, item 1.
3 On (date): ... the judgment creditor (name): ... informed the court that the judgment debtor had not made one or more payments as provided in 2 and asked the court to order that the remaining balance of the judgment is due and collectible.
4 On (date): ... the judgment debtor filed a response to the judgment creditor's request.

Fill in the court name and street address:

Superior Court of California, County of Stanislaus
300 Starr Avenue
300 Starr Avenue
Turlock, CA 95380

Fill in your case number and case name:

Case Number:

Case Name:

The court orders:

- 5 The payment order referred to in 2 (check one):
a. is terminated and the balance of the judgment is collectible.
b. remains in effect, without modification.
c. is modified as stated on Form SC-225A, item 2.
6 The following amounts are owing on the judgment as of (date): ...
a. Principal balance of judgment and costs included in judgment (amount): \$...
b. Interest (amount): \$...
7 Other orders are stated on Form SC-225A, item 3.
8 The court will make orders on the matter after a hearing, which will take place on:

Hearing Date

Time: ... Dept. ...
Name and address of court if different than address above:



Request for Accommodations Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8)

Date:

Judicial officer



Need help?

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Or go to www.courts.ca.gov/smallclaims/advisor

Case Number: _____

This form is attached to Form SC-225, *Order on Declaration of Default in Payments*

① **Attachment 2b.** The payment schedule referred to in item ② of Form SC-225 was (*describe*):

② **Attachment 5c.** The payment order referred to in item ② of Form SC-225 is modified and payments are now allowed 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.

③ **Attachment 8.** The court also orders:

