

**Response to Declaration of Default
in Payment of Judgment**

Clerk stamps here when form is filed.

Important: If you disagree with a judgment creditor's *Declaration of Default in Payment of Judgment* (form SC-223), you may file *Response to Declaration of Default in Payment of Judgment* (form SC-224) within 10 days after form SC-223 was mailed to you. Read page 2 before you fill out this form.

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

My name is: _____

Mailing address: _____

Phone: _____ Email (optional): _____

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

Name: _____

Mailing address: _____

Phone: _____ Email (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 \$ _____ (the amount listed in item **7** of the *Declaration of Default*) may be added to the balance of the judgment.

I do not agree with the interest amount listed in item **7** of the *Declaration of Default*. I believe the correct amount of interest is \$ _____, which I 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 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
- A notice to go to a hearing.

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 (party 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