



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-133

For business meeting on September 19, 2023

Title

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

Agenda Item Type

Action Required

Effective Date

January 1, 2024

Rules, Forms, Standards, or Statutes Affected

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

Date of Report

August 23, 2023

Recommended by

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

Contact

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Executive Summary

The Civil and Small Claims Advisory Committee recommends revising ten Judicial Council forms and revoking one form to implement statutory changes made by 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 recommended revisions to the forms implement these statutory changes.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Revise the following forms to add information about the applicable postjudgment interest rates and renewal terms for money judgments that meet criteria specified by SB 1200, and to revise information about the deadline for judgment debtors to file a motion to vacate or modify a renewal of judgment:

- *Application for and Renewal of Judgment* (form EJ-190)
- *Notice of Renewal of Judgment* (form EJ-195)
- *Judgment* (form JUD-100)
- *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* (form MC-012)
- *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO)
- *Notice of Entry of Judgment* (form SC-130)
- *Notice of Entry of Judgment* (form SC-200)
- *Request to Make Payments* (form SC-220)
- *Declaration of Default in Payment of Judgment* (form SC-223)
- *Response to Declaration of Default in Payment of Judgment* (form SC-224)

2. Revoke *Payments in Small Claims Cases* (form SC-220-INFO) because it is identical to the second page of form SC-220.

The proposed revised forms are attached at pages 10–32.

Relevant Previous Council Action

The Judicial Council revised *Application for and Renewal of Judgment* (form EJ-190) and *Notice of Renewal of Judgment* (form EJ-195)¹ effective January 1, 2023, the date SB 1200 became effective. The council determined that prompt revision was warranted because without revision, the forms would have provided incorrect information about judgments renewed on or after January 1, 2023. The council therefore approved the revisions before they were circulated for public comment.

Forms JUD-100, MC-013-INFO, SC-200, SC-223, and SC-224 have not been revised previously. Form JUD-100 was approved in 2002, form MC-013-INFO was approved in 2018, form SC-200 was adopted in 2010, and forms SC-223 and SC-224 were approved in 2018. Forms MC-012, SC-130, and SC-220 have been revised several times since they were adopted, and the most recent revisions to each were minor technical revisions.

Analysis/Rationale

Senate Bill 1200

Effective January 1, 2023, SB 1200² changed the law relating to the renewal of, and postjudgment interest rates applicable to, 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 \$50,000 for personal debt claims and

¹ Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Enforcement of Judgment Form Revisions* (Nov. 9, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11459946&GUID=2A84B3BF-17EE-4159-9FA0-E2BEE43AD611>.

² See Link A.

\$200,000 for medical expense claims.³ The statute exempts “debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee” from the new terms.⁴

For money judgments that fit within these provisions, judgment creditors may now renew the period of enforceability only once, and only for a period of five years, rather than unlimited renewals for ten years each time.⁵ These money judgments accrue interest at a rate of 5 percent per year, rather than 10 percent, if the judgment was entered or renewed on or after January 1, 2023.⁶

In addition, for all judgments, a judgment debtor may now file a motion to vacate or modify the renewal within 60 days after service of the notice of renewal, rather than 30 days.⁷

Revisions to Application for and Renewal of Judgment (form EJ-190) and Notice of Renewal of Judgment (form EJ-195)

As discussed above, the Judicial Council previously approved revisions to forms EJ-190 and EJ-195, effective January 1, 2023, before the forms were circulated for public comment. In addition to the revisions that have already taken effect, the committee recommends further revisions to both forms.

Form EJ-190

Previously approved revisions: A new subitem 5j was 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 meets the SB 1200 criteria. Also added was an advisement regarding SB 1200’s renewal limitations for certain money judgments.

Recommended further revisions: In light of comments received, and as discussed in more detail in the Comments section below, the committee recommends further revisions to subitem 5j to account for SB 1200’s exemption of judgments on certain types of claims from the new law’s provisions regarding lower interest rates and fewer renewals. The committee also recommends other minor changes to make the form conform with other enforcement of judgment forms.

Form EJ-195

Previously approved revisions: Item 3 was revised to reflect that judgment debtors now have 60 days to file a motion to vacate or modify the renewal of a judgment. Item 1 was also revised, but those revisions were superseded by those that were circulated for comment, discussed below.

³ Code Civ. Proc., §§ 683.110(c), 685.010(a)(2)(A).

⁴ *Id.*, §§ 683.110(d)(2), 685.010(a)(2)(C)(ii).

⁵ *Id.*, §§ 683.110(c), 683.120(c).

⁶ *Id.*, § 685.010(a)(2).

⁷ *Id.*, § 683.170(b).

Recommended further revisions: The committee recommends revising item 1 to 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 committee recommends eliminating the requirement that the clerk issue the form. The revised form would be signed by the judgment creditor or attorney for the judgment creditor, rather than the court clerk.

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 judgment 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.”⁸

The committee believes that removing the requirement for the court clerk to issue the notice of renewal will remove unnecessary work from court staff, streamline the renewal process for judgment creditors (who must serve the notice form in any event), and allow the form to include more information for 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. Indicating which renewal term applies on the notice form 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 considered continuing to have the clerk issue the form. The committee contemplated whether having the clerk’s signature and seal on the form might help convey to the judgment debtor that filing the judgment renewal had a legal effect, and that the judgment debtor needs to take action if they disagree. Ultimately, however, the committee believes these potential benefits are outweighed by the benefits to the parties of streamlining the renewal process and giving the judgment debtor more information about the length of the renewal.

In light of comments received, and as discussed in more detail in the Comments section below, the committee also recommends other minor changes to make the form conform with other enforcement of judgment forms.

⁸ 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”).

Revisions to forms referring to postjudgment interest rates

The committee recommends revising five forms to implement SB 1200's changes to the postjudgment interest rate applicable to certain monetary judgments. In reviewing these forms, the committee also concluded that one form was unnecessary and recommends revoking it. The recommended changes to these forms are described below.

Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest (form MC-012): The committee recommends revising item 3 to include a blank in which the judgment creditor indicates which interest rate was used to calculate the remaining amount of unpaid interest and the amount of unpaid principal to which the interest rate applies. Users are directed to form MC-013-INFO for more information about the applicable rate of interest and calculating the amount of interest.

Information Sheet for Calculating Interest and Amount Owed on a Judgment (MC-013-INFO): The committee recommends revising the "Accrued Interest" section to include information about when each statutory interest rate applies, to more clearly advise that unpaid interest is added into the unpaid principal when a judgment is renewed, and to add examples showing application of a 5 percent interest rate.

Request to Make Payments (form SC-220), *Declaration of Default in Payment of Judgment* (form SC-223), and *Response to Declaration of Default in Payment of Judgment* (form SC-224): The committee recommends removing references to interest accruing at 10 percent per year and, instead, directing users to form MC-013-INFO. The committee also recommends revising several instances of the phrase "plaintiff or defendant" to "party."

Payments in Small Claims Cases (form SC-220-INFO): Because this form is identical to the second page of form SC-220, the committee recommends revoking the 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 committee recommends adding a new item to three judgment forms: item 7 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 court can use this item to indicate whether the judgment involves a claim against a judgment debtor, 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 revisions will allow the court to provide, at the time the judgment is entered, information that will be needed to determine the applicable postjudgment interest rate and term of renewal.

The committee considered adding language to these new items to convey 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." However, 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 items to ensure they were properly applied.

Policy implications

The revisions to the forms recommended by the committee will implement an amended statute that limits the ability of a judgment creditor to renew or bring an action on certain money judgments and lowers the applicable rate of postjudgment interest for money judgments meeting certain criteria. Accordingly, the key policy implications are ensuring that council forms correctly reflect the law. These revisions are therefore consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The revisions to form EJ-190 and EJ-195 approved by the Judicial Council effective January 1, 2023, and the further proposed revisions to forms EJ-195, JUD-100, MC-012, MC-013-INFO, SC-130, SC-200, SC-220, SC-223, SC-224 and proposed revocation of form SC-220-INFO were circulated for comment from March 31 to May 12, 2023, as part of the regular spring invitation-to-comment cycle. Six comments were received on the proposal: three from superior courts; one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee; one from the California Association of Judgment Professionals; and one from a county bar association. Five commenters approved the proposal if amended and one did not indicate a position.

A chart with the full text of the comments received and the committee’s responses is attached beginning at page 33. The principal comments and the committee’s responses are summarized below. In response to the comments, the committee also made a number of non-substantive revisions to the forms for clarity and to correct typographical errors.

Form EJ-190

Functionality of item 5j: Item 5j was added to form EJ-190 as part of the revisions adopted by the Judicial Council effective January 1, 2023. To implement SB 1200, it asks judgment creditors to indicate whether the unpaid principal in a money judgment is for claims relating to medical debt or personal debt and falls below the SB 1200 thresholds. It also allows judgment creditors to indicate that a portion of the judgment meets the SB 1200 criteria but another portion does not, by selecting check box 5j(3) (judgment based on claims other than personal or medical debt) in addition to 5j(1) (judgment based on claims for medical debt) or 5j(2) (judgments based on claims for personal debt) and instructs judgment creditors to “check all that apply.”

One commenter suggested that the three check boxes in item 5j be made exclusive, so that judgment creditors can indicate either that the principal amount remaining in the judgment is personal or medical debt under the SB 1200 threshold, or that it relates to other claims, but not both.

The committee is not recommending any changes to form EJ-190 in response to this comment. The statute is ambiguous about how to handle renewal of mixed judgments, that is, those judgments based on multiple claims, not all of which meet the SB 1200 criteria.⁹ Because the new statute does not expressly limit its protections to judgments based solely on the types of claims described in that section, the committee believes the form should allow judgment creditors to select any or all of the boxes in item 5j. Requiring the judgment creditor to indicate all types of claims in the judgment will provide information the judgment debtor may need to challenge a renewal.

Explanatory note in item 5j: The invitation to comment specifically asked for comments on whether item 5j should 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.” Most commenters were in favor of this revision, with some noting that it advances the goal of making the form accessible for self-represented litigants. Two commenters were opposed, with one noting that many other types of judgments are also exempt but are not listed in the statute.

On balance, the committee agreed that adding language about the exception will increase understanding of how to fill out the form and therefore recommends revising the note in item 5j to add information about this exemption.

Consistency with form EJ-130: A commenter suggested revising form EJ-190 to make some of the language more consistent with *Writ of Execution* (form EJ-130), since that form can be used for execution of money judgments. Accordingly, the committee recommends revising the caption to refer to the “Original Judgment Creditor,” “Plaintiff/Petitioner,” and “Defendant/Respondent,” revising the first line to “Original Judgment Creditor,” and adding explanatory parentheticals to some of the subitems of item 5.

Accommodating multiple judgment creditors or debtors: A commenter suggested adding check boxes to items 1–3 of form EJ-190 to indicate that there is more than one judgment creditor or judgment debtor, and that the judgment has been recorded in more than one county. The committee recommends revising form EJ-190 accordingly.

Form EJ-195

Issuance: The invitation to comment specifically asked for comments on whether to have form EJ-195 signed by the judgment creditor or their attorney rather than issued by the court clerk. All of the commenters were in favor of making this change. The committee recommends revising form EJ-195 accordingly.

Addressing instructions: A commenter noted that the version of form EJ-195 circulated for comment is unclear about whether the Notice of Renewal of Judgment should be addressed to all judgment debtors or whether a separate notice should be addressed to each separately, and

⁹ Code Civ. Proc., §§ 683.110(c), 683.120(c), 685.010(a)(2).

suggested revising form EJ-195 to explicitly state that separate notices must be used for each judgment debtor.

The committee considered this suggestion and its alternative—explicitly stating that all judgment debtors should be listed on the same notice—but does not recommend any changes to the form on this point. The committee believes there are situations where sending the same notice to all judgment debtors could be beneficial, and others where sending the same notice could be confusing, for example if the provisions of SB 1200 apply to one judgment debtor but not the others. For this reason, the committee concluded that judgment creditors should be given the option to choose the form of address that works best for their situation.

Consistency with form EJ-130: As with form EJ-190, a commenter suggested revising EJ-195 to make some of the language more consistent with *Writ of Execution* (form EJ-130), since that form can be used for execution of money judgments. Accordingly, the committee recommends revising the caption to refer to the “Plaintiff/Petitioner” and “Defendant/Respondent.”

Form MC-012

Item 3 on form MC-012 provides space for filers to indicate the amount of accrued interest remaining due. The proposed revisions to this form circulated for comment would have allowed filers to state that multiple interest rates apply to the unpaid balance. Commenters differed on these proposed revisions: some supported leaving this item as is, while others proposed further revisions.

The California Association of Judgment Professionals argued that the circulated revision could be confusing and suggested keeping the language on the current form, which does not have a fillable field for the interest rate. The Joint Rules Subcommittee also felt the circulated revision could be confusing but suggested including spaces for the different principal amounts to which different interest rates apply.

The committee recommends revising form MC-012 as suggested by the Joint Rules Subcommittee. It will be helpful to judgment debtors if judgment creditors provide all the information used to calculate the amount of interest remaining due. Stating only the amount of interest due, but not the interest rates or the unpaid principal amounts to which it was applied, could create confusion for judgment debtors and make it more difficult for them to respond.

Form MC-013-INFO

In response to a comment, the committee recommends revising the note in the “Accrued Interest” section on page 1 of form MC-013-INFO to explain that for judgments renewed after January 1, 2023, the 5 percent interest rate applies only to unpaid principal remaining after renewal. The version of the form circulated for comment was unclear on this point and could have led readers to believe that at the time of renewal, previously accrued interest should be recalculated using the 5 percent rate.

Forms SC-220, SC-223, and SC-224

In response to a comment, the committee recommends revising the definition of judgment creditor used in some sections of these forms from “person to whom the money is owed” to “party to whom the money is owed” because judgment creditors can be businesses and public entities. This change is also consistent with language in use elsewhere on these forms, and on other related forms.

Form SC-224

In response to a comment, the committee recommends adding language to item 7 on form SC-224 to make it easier for the judgment debtor to challenge the judgment creditor’s characterization of the type of debt and corresponding interest rate.

Alternatives Considered

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

In addition, as discussed above, the committee considered several alternatives to the recommended revisions and considered the alternatives suggested by the commenters.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the revised forms. Court procedures and case management systems will also need to be updated, for example because some of the forms revised by the proposal are currently generated by the case management system rather than filed by the parties. Because the requirements are mandated by statute, these operational impacts cannot be avoided.

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 10–32
2. Chart of comments, at pages 33–69
3. 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):

EMAIL ADDRESS:

☐ ATTORNEY FOR ☐ ORIGINAL JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

DRAFT
07.10.2023
Not approved
by Judicial
Council

FOR RECORDER'S USE ONLY

PLAINTIFF/PETITIONER:

CASE NUMBER:

DEFENDANT/RESPONDENT:

APPLICATION FOR AND RENEWAL OF JUDGMENT

FOR COURT USE ONLY

☐ Original judgment creditor☐ Assignee of record

applies for renewal of the judgment as follows:

1. Applicant (name and address):

☐ Additional judgment creditors listed in Attachment 1.

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

☐ Additional judgment debtors listed in Attachment 2.

3. Original judgment

a. Case number (specify):

b. Entered on (date):

c. Recorded: Date:

County:

Instrument No.:

☐ This judgment has been recorded in additional counties, listed in Attachment 3.4. ☐ Judgment previously renewed (specify each case number and date):5. ☐ Renewal of money judgment

a. Total judgment (as entered or last renewed) \$

b. Costs after judgment (CCP 685.090) \$

c. Subtotal (add a and b) \$

d. Credits to principal (after credit to interest) \$

e. Subtotal (subtract d from c) \$

f. Accrued interest remaining due per CCP 695.210(b) \$

g. Fee for filing renewal application \$

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

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

SHORT TITLE:

CASE NUMBER:

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 (1) or (2).

Note: A judgment against a natural person may be renewed only once, for five years from the date an application is filed, if the unsatisfied principal amount at the time of renewal is below \$50,000 for personal debt claims or \$200,000 for medical expense claims. This exception does not apply to debts incurred due to, or obtained by, tortious or fraudulent conduct, or judgments for unpaid wages, damages, or penalties owed to an employee. (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.: EMAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 07.10.2023 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:			
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.)

(Code Civ. Proc., §§ 683.110–683.120.)

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

NOTICE OF RENEWAL OF JUDGMENT

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ PLAINTIFF: _____ DEFENDANT: _____	FOR COURT USE ONLY <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">DRAFT</div> <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">07.10.2023</div> <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">Not approved</div> <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">by Judicial</div> <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">Council</div> CASE NUMBER: _____
<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">JUDGMENT</div> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> By Clerk</div> <div style="width: 33%;"><input type="checkbox"/> By Default</div> <div style="width: 33%;"><input type="checkbox"/> After Court Trial</div> <div style="width: 33%;"><input type="checkbox"/> By Court</div> <div style="width: 33%;"><input type="checkbox"/> On Stipulation</div> <div style="width: 33%;"><input type="checkbox"/> Defendant Did Not Appear at Trial</div> </div>	

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): (1) _____ (2) _____ <input type="checkbox"/> Continued on Attachment 3b. <input type="checkbox"/> Defendant (name each): (1) _____ (2) _____ <input type="checkbox"/> Continued on Attachment 3b.	<input type="checkbox"/> Plaintiff's attorney (name each): (1) _____ (2) _____ <input type="checkbox"/> Defendant's attorney (name each): (1) _____ (2) _____
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 - 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 \$

7. ☐ Judgment debtor is a natural person, and as provided in Code Civ. Proc., §§ 683.110, 685.010:

\$ of this judgment is on a claim related to medical expenses

\$ of this judgment is on a claim related to personal debt

8. ☐ 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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">07.10.2023</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:	
MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST	

CASE NUMBER:

1. ☐ **Postjudgment costs**

a. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):

	<u>Dates Incurred</u>	<u>Amount</u>
(1) Preparing and issuing abstract of judgment		\$
(2) Recording and indexing abstract of judgment		\$
(3) Filing notice of judgment lien on personal property		\$
(4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county):		\$
(5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
(6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
(7) Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$
(8) Other: (Statute authorizing cost):		\$
(9) Total of claimed costs for current memorandum of costs (add (1)–(8))		\$
b. All previously allowed postjudgment costs		\$
c. Total of all postjudgment costs (add a and b)		\$

2. ☐ **Credits to interest and principal**

a. I acknowledge total payments to date in the amount of: \$ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$; credit to judgment principal \$.

b. **Principal remaining due.** The amount of judgment principal remaining due is \$. (See Code Civ. Proc., § 680.300)

3. ☐ **Accrued interest remaining due.** I declare interest accruing at the legal rate of % on the unpaid principal amount of \$ and % on the unpaid principal amount of \$ (see Information Sheet for Calculating Interest and Amount Owed on a Judgment (form MC-013-INFO)) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal), remaining due in the amount of \$.

4. I am the: ☐ judgment creditor ☐ agent for the judgment creditor ☐ attorney for the judgment creditor.
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

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)

NOTICE TO THE JUDGMENT DEBTOR

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, not exceeding \$100 in aggregate and not already allowed by the court, may be included in the writ of execution. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

Page 1 of 2

Short Title:

CASE NUMBER:

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)

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 the unpaid principal of a judgment at the following legal rates:

- The rate of interest is 10% per year unless one of the following lower interest rates applies.
- 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 on a claim related to either 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.

For judgments renewed after January 1, 2023, the 5% interest rate applies only to unpaid principal remaining after renewal. Note, for judgments that otherwise meet the above requirements and are renewed after January 1, 2023, the interest rate will change from 10% to 5% for any remaining unpaid principal if the unpaid principal has fallen 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 total renewed amount 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 *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 judgment 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) \times (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 The amount of interest earned will be \$0.69 per day as long as the unpaid amount remains \$5,000.	$\$5,000 \times 0.10 = \500 $\$500/365 = \1.37 daily interest 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) \times (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 \text{ per day} \times 100 \text{ days} = \69 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 daily interest is \$1.37 (see above). $\$1.37 \text{ per day} \times 100 \text{ days} = \137 interest owed 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
$\$5,000 \text{ judgment} + \$69 \text{ interest} = \$5,069$ The judgment debtor owes a total of \$5,069 on the 100th day after the court entered judgment.	$\$5,000 \text{ judgment amount} + \$137 \text{ interest} = \$5,137$ 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 \times 200 days = \$138 interest owed on the date of payment	The daily interest is \$1.37 (see above). \$1.37 per day \times 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. That leaves a balance of \$862 (\$1,000 - \$138 = \$862) to be credited toward the \$5,000 principal.	The judgment debtor paid \$1,000, which first must be used to credit the \$274 of accrued interest. That leaves a balance of \$726 (\$1,000 - \$274 = \$726) to be credited toward 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) \times 5% = \$206.90 interest per year \$206.90/365 days = \$0.57 interest earned per day	\$4,274 (new principal) \times 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 \times \$0.57 daily interest = \$57 total interest	Amount of accrued interest over 100 days: 100 days \times \$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: \$4,138 principal - \$443 remaining = \$3,695 new principal	Remainder credited to principal: \$4,274 principal - \$383 remaining = \$3,891 new principal
Calculate new daily interest: \$3,695 \times 5% = \$184.75/365 = \$0.51 interest per day	Calculate new daily interest: \$3,891 \times 10% = \$389.10/365 = \$1.07 interest per day

Not approved by Judicial Council

SMALL CLAIMS CASE NO.:

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.

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.

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):

1. ☐ Defendant (name, if more than one):
shall pay plaintiff (name, if more than one):
\$ _____ principal and: \$ _____ costs on plaintiff's claim.
2. ☐ Defendant does not owe plaintiff any money on plaintiff's claim.
3. ☐ Plaintiff (name, if more than one):
shall pay defendant (name, if more than one):
\$ _____ principal and \$ _____ costs on defendant's claim.
4. ☐ Plaintiff does not owe defendant any money on defendant's claim.
5. ☐ Possession of the following property is awarded to plaintiff (describe property):
6. ☐ 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.
7. ☐ Dismissed in court ☐ with prejudice. ☐ without prejudice.
8. ☐ **Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)** (form SC-132) is attached.
9. ☐ Other (specify):
10. ☐ Judgment debtor is a natural person, and as provided in Code Civ. Proc., §§ 683.110, 685.010:
\$ _____ of this judgment is on a claim related to medical expenses
\$ _____ of this judgment is on a claim related to personal debt.
11. ☐ 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.
12. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
13. ☐ This notice was personally delivered to (insert name and date):
14. **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.

Page 1 of 2

INFORMATION AFTER JUDGMENT**INFORMACION DESPUES DEL FALLO DE LA CORTE**

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**.

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.

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.

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*.

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-130) 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*.

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)

DRAFT

07/12/2023

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 as provided in Code Civ. Proc., §§ 683.110, 685.010:
\$ _____ of this judgment is on a claim related to medical expenses
\$ _____ of this judgment is on a claim related to personal debt.
- 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 <https://selfhelp.courts.ca.gov/small-claims/after-trial/if-you-win>.

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 <https://selfhelp.courts.ca.gov/small-claims-advisor>

Read **page 2** before you fill out this form.

DRAFT
07.10.2023
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Council

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

My name is: _____

Mailing address: _____

Phone: _____ Email (optional): _____

- 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: _____ Email (optional): _____

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:

Case Number: _____

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.

- 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 (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 (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 **can be ordered** 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 <https://selfhelp.courts.ca.gov/small-claims-advisor>

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*.



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

Declaration of Default in Payment of Judgment

Clerk stamps here when form is filed.

DRAFT
06.06.2023
Not approved
by Judicial
Council

Important: Read page 2 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.

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 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 (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?

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[local info here]

Or go to <https://selfhelp.courts.ca.gov/small-claims-advisor>

Response to Declaration of Default in Payment of Judgment

Clerk stamps here when form is filed.

DRAFT
07.10.2023
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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 *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).



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Or go to <https://selfhelp.courts.ca.gov/small-claims-advisor>

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
1.	California Association of Judgment Professionals by Gretchen D. Lichtenberger, Legislative Chairperson	NI	<p><u>Suggestions for the revised Notice of Renewal of Judgment (EJ-195):</u></p> <p>1) In the Caption area, please add the word “Petitioner” after the word “Plaintiff” and please add the word “Respondent” after the word “Defendant”, like on the EJ-130 <i>Writ of Execution</i> form. This form is also used in Probate and in Family Cases.</p> <p>2) As we suggested in December 2022, we strongly support the removal of the Clerk’s signature and the “seal” box in the lower left corner. Renewing a judgment is a ministerial act continuing the Court’s jurisdiction by merely extending the period of enforcement of the judgment. Notice should be provided by the judgment creditor. This form does not require “issuance”.</p> <p><u>Statutory History:</u> Code of Civil Procedure sections 683.110-683.220 were created and added in 1982. Prior to 1982, a creditor could only enforce a judgment beyond 10 years from entry by noticed motion. With the enactment of sections 683.110-683.220 in 1982, the renewal process became a ministerial act, not a judicial one. The Legislature <i>fashioned</i></p>	<p>The committee agrees and has added this revision to its recommendations for form EJ-195.</p> <p>The committee agrees, and notes that the version of form EJ-195 included in the circulated proposal reflects this change.</p> <p>The committee appreciates the information.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09

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

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
			sections 683.110 et seq. after the Sister State judgment chapter, section 1710.10 et seq. The Sister State process requirements are not ministerial by nature and require that the debtor to be served “ <i>in the manner provided for service of Summons</i> ”. Though sections 683.110 et seq. were drawn from sections 1710.10 et seq, <u>the processes are not analogous.</u> The EJ-110 <i>Notice of Entry of Judgment on Sister-State Judgment</i> form has the “seal” box in the lower left corner because, like a <i>Summons</i> forms, service of the EJ-110 gives the court jurisdiction over the served person. The box and the Clerk’s signature on the EJ-195 were just improperly carried over from the EJ-110 form. The EJ-195 <u>is not</u> a jurisdictional form and, unlike the EJ-110 or the <i>Summons</i> ’, service of the EJ-195 <u>does not</u> give the court any new jurisdiction over the served Judgment Debtor because the court’s jurisdiction is continuing for renewal of judgments. [<i>Goldman v. Simpson</i> (2008) 160 Cal. App. 4th 255, 72 Cal. Rptr. 3d 729] Therefore, the box in the lower left corner for the placement of a Court Seal and the Clerk’s signature line on the EJ-195 are completely unnecessary. Having that box and signature line there causes a lot of confusion with the Clerks.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			<p>3) Regarding the line above item 1: There is always confusion when there is more than one judgment debtor because this form currently indicates “JUDGMENT DEBTOR (name):” <u>in the singular</u>. Our Members debate whether it is correct to add more than one name here or to generate a <u>separate Notice of Renewal of Judgment</u> addressed to <u>each</u> Judgment Debtor. We favor a separate <i>Notice</i> for each Judgment Debtor for clarity. We suggest the Council amend the form here to indicate its preference. Either the form should state “TO JUDGMENT DEBTOR(S) (<i>list all names</i>):” or the form should state “TO JUDGMENT DEBTOR (<i>name – use one Notice per judgment debtor</i>):”</p> <p><u>Suggestions for the revised <i>Application for and Renewal of Judgment</i> (form EJ-190):</u></p> <p>1) In the Caption area, please add the word “Original” above/before “Judgment Creditor” next to the check box under the filers name and address information in the upper left corner, like on the EJ-130 <i>Writ of Execution</i> form. Also, add the word “Original” before “Judgment Creditor” in the first check box under the title of the</p>	<p>The committee is not recommending changes in response to this suggestion because it believes there are situations where sending the same notice to all judgment debtors may be preferable and where sending separate notices to each judgment debtor may be preferable. For example, a judgment creditor might prefer that all judgment debtors receive the same notice so all are aware each debtor received identical notices. In other situations, however, it might not be possible to send each judgment debtor the same notice, for example if the provisions of SB 1200 apply to one judgment debtor but not another. Accordingly, this part of the form has been left unchanged to allow judgment creditors to decide which method best suits their needs.</p>
			<p>1) In the Caption area, please add the word “Original” above/before “Judgment Creditor” next to the check box under the filers name and address information in the upper left corner, like on the EJ-130 <i>Writ of Execution</i> form. Also, add the word “Original” before “Judgment Creditor” in the first check box under the title of the</p>	<p>The committee agrees and has added this revision to its recommendations for form EJ-190.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

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	Commenter	Position	Comment	Committee Response
			form.	
			2) In the Caption area, please add the word “Petitioner” after the word “Plaintiff” and please add the word “Respondent” after the word “Defendant”, like in the EJ-130 <i>Writ of Execution</i> form. This form is also used in Probate and in Family Cases.	The committee agrees and has added this revision to its recommendations for form EJ-190.
			3) In item 2, please add an area to indicate more than one Judgment Debtor by adding a check box at the lower portion of item 2 for “ <i>Additional judgment debtors on next page</i> ”, like presently in item 4 on the EJ-130 <i>Writ of Execution</i> form. Then, on page 2, please add two boxes for identifying additional judgment debtors, like presently in item 21 on the EJ-130 <i>Writ of Execution</i> form.	The committee agrees and has modified its recommended revisions to form EJ-190 to add a checkbox to item 2 to allow filers to indicate that additional judgment debtors are listed in an attachment.
			To make room for this additional judgment debtors’ information, there are two possibilities: a) Page 1 can be rearranged slightly by putting the check boxes for “Judgment Creditor” and “Assignee of Record”, which are above item 1, onto the same line, like in the upper left corner. In both items 1 & 2, the current EJ-190 form only accommodates two lines of text however the space below those two lines is wasted because it has not been formatted to	

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			<p>be able to type there. Thus, that extra space could be removed, or in the alternative, the form re-formatted to accommodate three lines of text.</p> <p>In item 3c, the “Recorded” line is wasted. It has a fillable area after that word but what is supposed to go there? 95% or more of renewed judgment with a recorded Abstract only have one such Abstract.</p> <p>However, there are occasions where Abstracts are recorded in more than one County. So, item 3 could be reworked to something like:</p> <p>c. Recorded: (1) Date_ (2) County___ (3) Instrument No.: _____ (4) Date_____ (5) County___ (6) Instrument No.: _____</p> <p>In Item 4, the space available could accommodate 4 lines of text but currently is formatted for only 3 lines of text. The information for this item does not require more than one line in reality. The space for item 4 could easily be made smaller. All of the above changes should provide about 8 extra lines of text on page 1 so your new item 5j should be able to move to page 1 or the two new areas for additional judgment</p>	<p></p> <p>The committee agrees and has modified its recommended revisions to form EJ-190 to add a checkbox to item 3 to allow filers to indicate that the judgment has been recorded in additional counties, listed in an attachment.</p> <p>The committee is not recommending changes in response to this suggestion because it has modified its recommended revisions to form EJ-190 to add a checkbox to item 2 to allow an attachment listing additional judgment debtors, and thus it is unnecessary to create more space on the form by making the proposed changes.</p>

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			<p>debtors could just be added to item 2 in the newly created space by the above rearranging; b) alternatively, the spaces under items 6a-c could be reduced in size and a check box added under each for an attachment, like page 2 of the SUBP-002 form [ie. “<i>Continued on Attachment 6a</i>”, “<i>Continued on Attachment 6b</i>” and “<i>Continued on Attachment 6c</i>”. Also, in item 6, the two check boxes for “possession” and for “sale” could be put on the same line.</p> <p>4) There also should be a place to identify additional judgment creditors for judgments where there is <i>more than one</i> judgment creditor. It is perfectly legal for just one judgment creditor to renew the judgment for the benefit of <i>all</i> judgment creditors. [Altizer v. Highsmith, et al (2020) 52 Cal. App. 5th 331]</p> <p>5) In item 5, please make items 5a, 5b, 5d and 5f match the similar language on the EJ- 130 <i>Writ of Execution</i> form for its items 11, 12, 14, and 16. In item 5a, add “(as entered or last renewed)” after “Total judgment”. In item 5b, add “(CCP §685.090)” after “Costs after judgment”. In item 5d, replace the words “<i>after judgment</i>” with “<i>to principal</i>” after the word “Credit” and add “(after credit to interest)” after</p>	<p></p> <p>The committee agrees and has modified its recommended revisions to form EJ-190 to add a checkbox to item 1 allowing the filer to indicate that additional judgment creditors are listed in an attachment.</p> <p>The committee agrees and has modified the recommended revisions to form EJ-190 to give items that parallel those on <i>Writ of Execution</i> (form EJ-130) the same labels.</p>

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			“Credits after judgment”. So, item 5d will read “Credits to principal, (<i>after credit to interest</i>)”. In item 5f, it should read “ <i>Accrued interest remaining due per CCP §695.210(b)</i> ”. The lines to enter the dollar amounts could be moved to the right to accommodate our suggested extra text on each line.	
			6) Regarding your item 5.j: We think having the wording “ <i>check all that apply</i> ” after the words “The money judgment” may cause people to check both boxes (1) and (3) if they are confused, which will cause the Clerk of the Court to be unable to determine whether the renewal is governed by the SB 1200 restrictions. We suggest removing those words. Though very unlikely, if a judgment was based upon BOTH personal debt and medical expenses, it qualifies for the SB 1200 restrictions if <i>either</i> box (1) or box (2) is checked.	The committee is not recommending changes in response to this suggestion. The statute does not state that the new provisions do not apply to mixed judgments, <i>i.e.</i> , those in which only a portion of the judgment meets the criteria of Code of Civil Procedure section 683.110(c). Because the statute does not limit the provisions of sections 683.110(c) or 683.120(c) to only those judgments based <i>solely</i> on claims that meet the criteria, the committee believes the form should allow a filer to identify all the pertinent types of claims on which a judgment is based.
			We suggest the wording be changed as follows for the check boxes: (1) has a principal amount remaining unsatisfied of under \$50,000 and is for <i>was based upon</i> a claim related to personal debt.	The committee is not recommending changes in response to this suggestion because it believes the current wording more closely tracks the language in the statute and is sufficiently clear as drafted.

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			<p>(2) has a principal amount remaining unsatisfied of under \$200,000 and is for <i>was based upon</i> a claim related to medical expenses.</p> <p><i>(3) is not either of the above.</i></p> <p>{Or alternatively:}</p> <p>relates <i>related</i> to any other <i>type of</i> claims, including <i>those based upon</i> claims for personal debt or medical expenses that do not otherwise fit within items (1) or (2).</p>	<p>Regarding the suggested addition of subpart 3, please see previous response.</p>
			<p>We suggest the wording in the box be changed as follows:</p> <p>Note: From the point when the unsatisfied principal amount is below \$50,000 for <i>judgments based upon</i> personal debt claims or \$200,000 for <i>judgments based upon</i> 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.)</p>	<p>Please see previous response.</p>
			<p>Suggestions for the revised <i>Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest</i> (form MC-012):</p>	

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			<p>Statutory postjudgment interest is calculated, then declared by the judgment creditor by affidavit. [CCP §685.050(a)(2)] The judgment creditor may use the MC-012 form or a pleading/form declaration to declare the accrued interest, as calculated by the creditor. The judgment creditor signs the MC-012 or pleading/form under penalty of perjury. Then, if the judgment debtor believes the interest calculation is incorrect, it is incumbent upon the judgment debtor to file a motion to vacate/correct the dollar amount of the renewal. [CCP §683.170(a)] The Clerk of the Court has no standing to question the amount of the interest stated by the creditor.</p>	<p>The committee agrees that it is the judgment debtor who has the right to challenge the interest amount claimed. In light of the new statute that provides for differing interest rates, however, the committee continues to recommend that the form identify which rates were applied along with the total interest claimed. Please see response below.</p>
			<p>Regarding item 3: We implore you to not include the words “<i>at the legal rate or rates of ____%</i>” because a judgment falling under the restrictions of SB 1200 entered <i>prior</i> to January 1, 2023, still accrues 10% interest <i>prior</i> to January 1, 2023 and then, due to SB 1200, accrues 5% interest <i>after</i> January 1, 2023, so it would be confusing to have this fillable space for those situations.</p> <p>“A basic canon of statutory interpretation is that statutes do not operate retrospectively</p>	<p>The committee appreciates the response. However, in light of all of the comments received on this issue, the committee is recommending that item 3 on form MC-012 be revised to include blanks for specifying the interest rate or rates applied, and to what amounts.</p> <p>The statute is not clear on how to handle mixed judgments, <i>i.e.</i>, those in which only a portion of the judgment meets the criteria of Code of Civil Procedure section 683.110(c),</p>

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		<p>unless the Legislature plainly intended them to do so.” (<i>Western Security Bank v. Superior Court</i> (1997) 15 Cal.4th 232, 243 [62 Cal. Rptr. 2d 243, 933 P.2d 507].)</p> <p>"Chapter 424 is also, however, a change in a statutory interest rate. It has been settled law in this state for well over 100 years that, although a change in a statutory interest rate applies to a case pending on the effective date of the change, the new rate applies only to interest accruing on and after that date; the former rate applies to interest accruing before that date." (<i>City of Clovis v. County of Fresno</i> (2014) 222 Cal. App. 4th 1469)</p> <p>We are already having a problem with the Clerks of the Court thinking the new 5% applies all the way back to the date of entry or of the last renewal.</p> <p>Instead, we suggest you merely add “(see <i>Information Sheet for Calculating Interest and Amount Owed on a Judgment (form MC-013-INFO)</i>)” to the end of the existing wording.</p> <p>On the top of Page 2, we would also like to request that you add the words “(Only required when claiming new costs in item</p>	<p>and creates the possibility that the 5% interest rate will apply to some but not all of the unpaid principal at the time of renewal. Accordingly, the committee believes the form should account for this possibility and allow the filer to indicate that different interest rates have been applied to portions of the unpaid principal.</p> <p>Providing this additional information will allow the judgment debtor to understand how the amount of unpaid interest remaining due has been calculated, and enable them to determine whether to challenge the amounts. These revisions do not change the clerk’s duties with respect to this form, which remain ministerial only.</p> <p>This suggestion is outside the scope of the current proposal and will be considered by the committee in the future as time and resources</p>

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			<p><i>l)</i>” just under the words “Proof of Service”.</p> <p>CCP §685.070 requires service of the MC-012 upon the judgment debtor when new statutory costs are being claimed, which are claimed in item 1. However, there is no statutory requirement to serve the MC-012 when using the form only to acknowledge credit and/or only to declare interest. This form is a multipurpose form and can be used for just one purpose or can be used for more than one purpose. The Proof of Service page goes ONLY with item 1. There are several Judicial Council forms which are multipurpose, like the CIV-100.</p>	allow.
			<p><u>Suggestions for the revised <i>Information Sheet for Calculating Interest and Amount Owed on a Judgment (form MC-013-INFO)</i>:</u></p> <p>We suggest the following changes:</p> <p>Page 1:</p> <p>Accrued Interest (See Code Civ. Proc., §§ 685.010, 685.020(a), <i>685.050(a)(2)</i> and Cal. Const., art. XV, § 1.)</p>	The committee is not recommending changes in response to this suggestion because Code of Civil Procedure section 685.050(a)(2) concerns writs of execution, rather than the interest rate and when it begins accruing.
			<p>Interest accrues on an <i>the</i> unpaid <i>principal of a</i> judgment at the following legal rates:</p>	The committee agrees and has modified the recommended revisions to form MC-013-INFO accordingly.

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			<ul style="list-style-type: none"> 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. 	
			<ul style="list-style-type: none"> The judgment is for <i>was based upon</i> 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. 	The committee has modified the recommended revisions to this bullet point to read, “The judgment is <u>on</u> a claim related either to personal debt . . .” to track the statutory language.
			Note that for judgments that otherwise meet these requirements, the interest	The committee agrees that this section of form MC-013-INFO could be clearer about

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			rate will change from 10% to 5% once the unpaid principal falls below the above amounts. <i>Additionally, for judgments that otherwise meet these requirements and were entered prior to January 1, 2023, interest accrues at 10% per year prior to January 1, 2023 and accrues at 5% per year after January 1, 2023.</i>	when to apply the 5% interest rate and has modified the recommended revisions to this section of the form so that it more closely tracks the statutory language.
			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. <i>(Code Civ. Proc., §685.070(d).)</i>	The committee is not recommending changes in response to this suggestion because it is not possible to add citations within the text to all applicable code sections. Instead, citations to the applicable sections of the California Code of Civil Procedure have been added to the form's footer, for consistency with similar forms.
			If the judgment is payable in installments, interest accrues from the date each installment is due. On <i>For</i> renewal of a judgment, unpaid interest that has accrued is added to the principal of the judgment and interest begins to accrue <i>on the total renewed amount</i> on the day the renewed judgment is entered.	The committee agrees and has modified the recommended revisions to form MC-013-INFO accordingly.
			Requesting Costs and Interest To have costs and interest added to the	This suggestion is outside the scope of the current proposal and will be considered by the committee in the future as time and resources

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			enforceable amount owed, the judgment creditor must file and serve a <i>Memorandum of Costs After Judgment</i> (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. <i>To declare interest only, or acknowledging credits, without claiming new costs, the judgment creditor may use either the Memorandum of Costs After Judgment (form MC-012) or a pleading declaration signed under penalty of perjury.</i>	allow.
			<u>Suggestions for the revised <i>Request to Make Payments</i> (SC-220):</u>	
			Page 1: We are not sure why the words “small claims” are highlighted in item 1 because the existing form has those words already?	The committee is highlighting the words because it is recommending changing the font to make them bold.
			Page 2: We suggest the following slight changes: When can the judgment debtor make payments?	The committee is not recommending changes in response to this suggestion because the current wording is consistent with other forms, such as form SC-223. The word “the” has also been deleted from “(the judgment

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			<p>A party who was ordered to pay a small claims judgment (<i>the</i> 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.</p>	creditor)”.
			<p>Is interest added after the judgment?</p> <p>Interest, <i>at the applicable statutory rate</i>, 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.</p>	The committee is not recommending changes in response to this suggestion. The committee believes the “How do I calculate interest?” section of the form is sufficient to let filers know that interest must be calculated in a specific way, and that form MC-013-INFO, which is cross-referenced on this form, gives the necessary information about statutory interest rates.
			<p><u>Suggestions for the revised <i>Payments in Small Claims Cases (SC-220-INFO)</i>:</u></p> <p>It makes perfect sense to revoke this form due to duplicity with page 2 of SC-220.</p>	The committee acknowledges the commenter’s support for revoking form SC-

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				220-INFO.
			<p>Suggestions for the revised <i>Declaration of Default in Payment of Judgment (SC-223)</i>:</p> <p>Page 2: We suggest the following slight change:</p> <p>How do I calculate interest?</p> <p>If you are asking for interest or disagreeing with a request for interest, you need to explain your interest calculation. Interest, <i>at the applicable statutory rate</i>, 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 <i>Information Sheet for Calculating Interest and Amount Owed on a Judgment</i> (form MC-013-INFO).</p> <p><u>Suggestions for the revised <i>Response to</i></u></p>	<p>Please see response to a similar proposed change to form SC-220, above.</p>

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	Commenter	Position	Comment	Committee Response
			<p><u>Declaration of Default in Payment of Judgment (form SC-224):</u></p> <p>Page 2: We suggest the following slight change:</p> <p>How do I calculate interest?</p> <p>If you are asking for interest or disagreeing with a request for interest, you need to explain your interest calculation. Interest, <i>at the applicable statutory rate</i>, 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 <i>Information Sheet for Calculating Interest and Amount Owed on a Judgment</i> (form MC-013-INFO).</p> <p><u>Suggestions for the revised Judgment (form JUD-100):</u></p>	<p>Please see previous response.</p>

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			<p>Page 1, item 1: We suggest the following slight changes:</p> <p>a. Defendant was properly served with a copy of the <i>operative</i> summons and <i>operative</i> complaint.</p> <p>b. Defendant failed to answer the <i>operative</i> complaint or appear and defend the action within the time allowed by law.</p>	<p>The committee is not recommending changes in response to this suggestion. The word “operative” is not plain language and could be difficult for some users to understand. Additionally, in some situations it might be incorrect or confusing to refer to the operative complaint on form JUD-100, for example where a judgment is entered and then the complaint is amended, such that the operative complaint in the proceeding is not the complaint on which judgment is entered.</p>
			<p>Page 2, item 6e: We suggest the following change:</p> <p><i>As provided in Code Civ. Proc., §§ 683.110, 685.010, Judgment debtor the person against whom judgment is entered (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.</i></p> <p><i>\$ _____ of this judgment is on a claim related to medical expenses</i></p> <p><i>\$ _____ of this judgment is on a claim related to personal debt.</i></p> <p>Though we don’t anticipate any judgment</p>	<p>The committee agrees and has modified the recommended revisions to form JUD-100 accordingly.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			would be for both types of claims in the same case, just for clarity it is important to differentiate because the way you currently propose the language, if the amount entered is, say for example \$60,000, that amount would be within the statutory range for medical expenses but outside the statutory range for personal debt. Thus, it would still be unclear if SB 1200 statutory language changes would apply to that particular judgment.	
			<p>Thank you so much for revising the judgment forms to accommodate SB 1200's changes. Last year, we fought hard in an effort to have Senator Skinner make her Bill prospective, however, she steadfastly refused. We wanted all judgments moving forward to so state that the judgment was for personal debt or medical expenses. Though it is not codified yet, at least your judgment forms will contain the information beginning January 1, 2024. Thank you.</p> <p>Unfortunately, should AB 1119 pass in any iteration related to "consumer debt", this form may need to be further revised again next year to include its definition of "consumer debt". We are again urging Assemblymember Wicks to make her Bill</p>	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09

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

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	Commenter	Position	Comment	Committee Response
			prospective and to codify that all judgment will so state the required information.	
			<p><u>Suggestions for the revised <i>Notice of Entry of Judgment (form SC-130)</i>:</u></p> <p>Page 1, item 10: We suggest the following change:</p> <p><i>As provided in Code Civ. Proc., §§ 683.110, 685.010, Judgment debtor the person against whom judgment is entered (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.</i></p> <p><i>\$ _____ of this judgment is on a claim related to medical expenses</i> <i>\$ _____ of this judgment is on a claim related to personal debt.</i></p> <p>Though we don't anticipate any judgment would be for both types of claims in the same case, just for clarity it is important to differentiate because the way you currently</p>	<p>The committee agrees and has modified the recommended revisions to form SC-130 accordingly. This change has also been made to the recommended revisions in form SC-200.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			propose the language, if the amount entered is, say for example \$60,000, that amount would be within the statutory range for medical expenses but outside the statutory range for personal debt. Thus, it would still be unclear if SB 1200 statutory language changes would apply to that particular judgment.	
			<p><u>Request for Specific Comments</u></p> <p>Regarding further revision to item 5j on the EJ-190 form: We do not see the need to include the exemption language of CCP §§683.110(d)(2)/685.010(a)(2)(C)(ii) because that language was only included in the statutes to placate a particular stakeholder to move their opposition to neutral. The statutory language defines what types of judgments are included in the statutory restrictions; thus, all other types are excluded by law, regardless of any stated exemptions. There are so many other types of judgments that are also “exempt”, though not listed particularly in those statutes.</p>	<p>The committee appreciates the response, but in light of all of the comments received on this issue, has modified the recommended revisions to form EJ-190 to add the exemption language of Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information will help self-represented litigants fill out the form.</p>
			Regarding the removal of the Clerk’s signature on the EJ-195 form: Because a renewal of a judgment is ministerial and is simply an act of continuing jurisdiction, the	The committee acknowledges the commenter’s support for removing the clerk’s signature from form EJ-195.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			<p><i>Notice of Renewal of Judgment</i> is no different than any other “notice” provided to a party.</p> <p>Regarding further revision to the proposed new items added to JUD-100, SC-130, and SC-200 (items 6c, 10, and 9, respectively): See Specific Comments above for EJ-190 form.</p> <p>Yes, we believe your Proposal appropriately addresses the stated purpose.</p> <p>Thank you for your consideration of our current suggestions. Should you need any further clarification or have any questions, please do not hesitate to contact me.</p>	<p>See responses to previous comments.</p> <p>The committee appreciates the response.</p>
2.	Orange County Bar Association by Michael A. Gregg, President	AM	<ol style="list-style-type: none"> 1. The proposal appropriately addresses the stated purpose. 2. Question 5j on the form EJ-190 should be further expanded to account for the exception in SB 1200 for “debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee.” The purpose of these forms is, in part, for lay persons to complete the forms properly without legal training. Referring to numerous sections of 	<p>The committee appreciates the response.</p> <p>The committee agrees, and in light of all of the comments received on this issue, has modified the recommended revisions to form EJ-190 to add the exemption language of Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information will help self-represented litigants fill out the form.</p>

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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			the Code of Civil Procedure is antithetical to the goal of the form.	
			3. The committee does not believe the form needs to be modified to require a signature from the court clerk, and believes the attorney's signature is appropriate.	The committee acknowledges the commenter's support for removing the clerk's signature from form EJ-195.
3.	Superior Court of California, County of Los Angeles by Bryan Borys, Director of Research and Data Management	AM	<p>The following comments are submitted on behalf of the Los Angeles Superior Court.</p> <p>Regarding EJ-190, Application for and Renewal of Judgment form:</p> <ul style="list-style-type: none"> o Section 5j(3) should further describe the criteria for exemptions regarding "debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee." 	<p>The committee appreciates the response, and in light of all of the comments received on this issue, has modified the recommended revisions to form EJ-190 to add the exemption language of Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information will help self-represented litigants fill out the form.</p>
			<p>Regarding EJ-195 Notice of Renewal of Judgment form:</p> <ul style="list-style-type: none"> o EJ-195 should be signed by the judgment creditor. 	The committee acknowledges the commenter's support for removing the clerk's signature from form EJ-195.
			<ul style="list-style-type: none"> o Item 1b: The phrase "(The judgment creditor should check 1b if the judgment is a money judgment...)" is unclear and should be revised if it remains on the form. 	The committee is not recommending changes in response to this suggestion. "Money judgment" is a term of art referring to a judgment requiring the payment of money and is used to distinguish such judgments

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
				from those requiring a party to take other action. The language in item 1b mirrors the language in the applicable Code of Civil Procedure sections, including 683.050, 683.110, 683.120, and 685.010.
			Regarding MC-012 Memorandum of Costs after Judgment, Acknowledgement of Credit and Declaration of Accrued Interest form: o Item 3: To clarify that the interest rate used should be applicable to the cause of action, suggest replacing “I declare interest accruing at the legal rate...” with “I declare interest accruing under the rate or rates of...”	The committee appreciates the response, and in light of all of the comments received on this issue, has modified the recommended revisions to item 3 on form MC-012 to include items for specifying the interest rate or rates and the amount of principal to which they are being applied.
			Regarding MC-013-INFO Information Sheet for Calculating Interest and Amount Owed on a Judgment form: o Page 2, line 1: A typo exists in the sentence “...to assist with the calculation of interest on a judgments...”	Page 2, line 1 of form MC-013-INFO has been revised to make this correction.
			Regarding SC-130 Notice of Entry of Judgment (Small Claims) form: o Page 2, Section e. WRIT OF EXECUTION:	Page 2, section e of form SC-130 has been revised to make these corrections.

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			<p>Missing a parenthesis before “form”</p> <p>There exists an extra space between the “3” and “0”</p> <p>Suggest changing “Law Officer” to “levying officer” for clarity to litigants</p> <p>o Page 2, section f. ABSTRACT OF JUDGMENT:</p> <p>Suggest adding language about having an Abstract of Judgment issued by the court before the sentence “You can get a lien by filing an Abstract...”</p> <p>Regarding SC-145 Request to Pay Judgment to Court form:</p> <p>o Will the Judicial Council provide guidance on how to assess interest (per Code of Civil Procedure 116.840) for judgments entered between 01/01/2023 and the effective date for the new forms? Clerks</p>	<p>The committee is not recommending changes in response to this suggestion. The committee believes the current language will be less confusing for self-represented litigants, and that directing filers to form EJ-130 for more information is sufficient to help them understand what “law officer” means in this context. Additionally, this section of form SC-130 was not modified as part of the current proposal.</p> <p>The committee is not recommending changes in response to this suggestion. The committee believes the current language is sufficient to help filers understand what steps they need to take to have an abstract issued.</p> <p>Changes to form SC-145 are beyond the scope of this proposal, but the committee will consider this suggestion as time and resources allow.</p> <p>As to calculating interest, the statute provides that for judgments entered after January 1, 2023, judgments under certain monetary</p>

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			will not know what rate to use when calculating interest on this form for judgments entered prior to the proposed modification.	thresholds (which the small claims jurisdictional limits fall under) on claims for personal debt or medical expenses accrue interest at 5% per annum. Interest generally accrues at 10% on judgments on other claims. See Code of Civil Procedure section 685.010.
			Regarding SC-220 Request to Make Payments form: o Page 1, Section 1 & 2: Add optional email address fields (to conform with SC-223 and SC-224)	The committee agrees and has added this change to the recommended revisions to form SC-220.
			o Page 2: Add “(judgment debtor)” to the phrase “If the court ordered someone to pay you money...” to be consistent throughout the form.	The committee is not recommending changes in response to this suggestion. Typically, explanatory parentheticals with formal legal terms for a person or party, such as “judgment debtor,” are included when the person or party is referred to in the third person (“a party,” “a person”) but not in when the person or party is referred to in the second person (“you”).
			o Page 2, Answers to Common Questions, When is the judgment due?: “...the judgment creditor (person to whom the money is owed)” should be replaced with “(party to whom the money is owed,” as creditors may be a business/organization or public entity.	The committee agrees and has added this change to the recommended revisions to forms SC-220, SC-223, and SC-224.
			o Page 2, Answers to Common	The committee has added the following

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	Commenter	Position	Comment	Committee Response
			Questions, Is interest added after the judgment?: The last sentence in this section “But if the judgment debtor does not make full payments on time, interest on the missed payment or the entire unpaid principle” is an incomplete sentence.	change to the recommended revisions to page 2 of form SC-220: “But if the judgment debtor does not make full payments on time, interest <u>can be ordered</u> on the missed payment or the entire unpaid principal.”
			o Page 2, Answers to Common Questions, How do I calculate Interest?: Suggest consistency when referring to amounts (eg: “unpaid amount of judgment,” “full unpaid balance,” “unpaid principle balance,” (as seen in SC-223), versus “full balance of the judgment is due and collectible,” “full balance is now due,” “amounts claimed,” “amounts it claims are now due in full” (as seen in SC-223 and SC-224)).	The committee is not recommending changes in response to this suggestion. The context of the “How do I calculate interest?” section of form SC-223 is different from the context of the “General Information” section, and the committee believes it makes sense to use different terms in these different contexts. However, the committee will review these suggestions next time these forms are revised and consider whether different terms should be used in either context.
			Regarding SC-223 Declaration of Default in Payment of Judgment form: o Page 1, Important: Suggest providing a definition of “judgement debtor” in this section for consistency, as it is defined in other forms.	The committee is not recommending changes in response to this suggestion. Although the forms do typically provide a definition of “judgment debtor,” here the form is directing the user to another section of the form that defines the term. The committee believes this is sufficient to help readers who are unfamiliar with the term figure out what it means and understand the instruction provided at the top of the form.
			Replace “Read the other side...” with “Read page 2 of this form...”	The committee agrees and has added this change to the recommended revisions to

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
				forms SC-220, SC-223, and SC-224.
			o Page 1, Section 3: Suggest replacing “...principle, prejudgment interest, and costs in the total amount of \$” with “...total judgment in the amount of \$,” as prejudgment interest should already be included in the principle amount	The committee is not recommending changes in response to this suggestion. Judgments can list prejudgment interest separately from the principal, so the committee believes that including prejudgment interest in the list of items to be added together on this line will help ensure that filers do not leave prejudgment interest out of the total amount.
			o Page 1, Section 4: Increase the width of the \$ amount line, and decrease the “day of the month” line	The committee agrees and has added this change to the recommended revisions to form SC-223.
			o Page 2, General Information, The Judgment debtor will have 10 days to file a Response: Suggest replacing it with “...10 calendar days...”	The committee is not recommending changes in response to this suggestion. Judicial Council forms generally use “days” to mean “calendar days,” so saying “10 days” in the General Information section of form SC-223 is consistent with the rest of form SC-223 and the other forms related to judgment, such as form SC-224. Where the term “calendar days” appears on forms SC-223 and SC-224, it has been changed to “days” for consistency.
4.	Superior Court of California, County of Orange	AM	<i>Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200 – SPR23-09 Form EJ190</i>	The committee is not recommending changes in response to this suggestion. The committee believes the section just above item 1, where the filer indicates who is applying for the renewal, is sufficient to explain whose name

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> Section 1, add an instruction in parenthesis to guide user as who the Applicant is (attorney, judgment creditor, or assignee of record and if the applicant's name must match the judgment). 	and information should be listed in item 1. It is not necessary for the applicant's name to match the judgment because an assignee can file a renewal but will not necessarily be named on the original judgment.
			<ul style="list-style-type: none"> Section 3c Recorded, add an instruction in parenthesis to indicate that information is (required if previously recorded). 	The committee is not recommending changes in response to this suggestion. The committee believes the instruction is implicit in the wording of the item, similar to item 4 on this form.
			<ul style="list-style-type: none"> Section 5f, add an instruction in parenthesis stating (interest accrues at the rate of 5% per year for judgments entered on or after January 1, 2023). 	The committee is not recommending changes in response to this suggestion. The rate of interest will be different in different situations, and the filer will need to determine the appropriate interest.
			Specific Comments <i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal addresses the reasons why modifications to forms EJ190 and EJ195 must be revised according to legislation.	The committee appreciates the response.
			<i>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"</i>	The committee appreciates the response. However, in light of all the comments received on this issue, the committee has modified the recommended revisions to form EJ-190 to add the exemption language of

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	Commenter	Position	Comment	Committee Response
			<p><i>owed to an employee”?</i></p> <p>No. If fraud or tortious is the cause of the debt, the debtor may file a motion and present evidence for the court to consider and rule.</p>	Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information will help self-represented litigants fill out the form.
			<p><i>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?</i></p> <p>No. Section 4 states a copy of the <i>Application for and Renewal of Judgment</i> is attached which bears the applicant’s date and signature.</p>	The committee appreciates the response. However, in light of the comments received, the committee has kept the recommendation to revise the form to indicate that it can be signed by the judgment creditor rather than issued by the clerk.
			<p><i>Would the proposal provide cost savings? If so, please quantify.</i></p> <p>No.</p> <p><i>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?</i></p>	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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			<p>A revision of the current procedure will be required. An e-Learning video on how to process the forms may be helpful, but not required.</p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes.</p> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>Our court is a large court, and this could work for Orange County.</p>	
5.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	<p>Request for Specific Comments Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>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"?</p>	<p>The committee appreciates the response.</p> <p>The committee appreciates the response, and in light of all of the comments received on this issue, has modified the recommended revisions to form EJ-190 to add the exemption language of Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information</p>

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			Yes, further revisions to item 5j to account for SB 1200's exemptions would be useful.	will help self-represented litigants fill out the form.
			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 committee acknowledges the commenter's support for removing the clerk's signature from form EJ-195.
			Yes. There is no statutory requirement that the clerk issue the notice of renewal of judgment. Eliminating the clerk issuance would streamline the renewal process for litigants and would reduce workload for court staff.	
			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?	The committee appreciates the information.
			If the proposal to change who signs the Notice of Renewal of Judgment is adopted, our court's internal procedures will need to be revised.	
			Would three months from Judicial Council	

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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			<p>approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, provided the final versions of the forms are provided to the court at that time. This will ensure that the court is able to provide training to staff and update its internal procedures.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears the proposal would work for courts of various sizes.</p>	
			<p>General Comments</p> <p>EJ-190: Propose that a clerk's certificate be added to the bottom of page two of the form. Litigants regularly request a certified copy to provide to the County Recorder's Office.</p>	<p>This suggestion is beyond the scope of this proposal, but the committee will consider it as time and resources allow.</p>
			<p>EJ-195, Item 2: Propose changing "this court" to "the court" to reflect that the notice is being provided by the judgment debtor and not the court clerk.</p> <p>No additional Comments.</p>	<p>The committee agrees and has added this change to the recommended revisions to form EJ-195.</p>

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
6.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	AM	<p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> • <i>Impact on existing automated systems:</i> Case management system will need to be updated – e.g., EJ-195 (Notice of Renewal) is currently generated by the case management system and not filed by a party, and SC-130 (Notice of Entry of Judgment) is generated from the case management system as well. • <i>Results in additional training:</i> Updated procedures will need to be provided to processing employees, but suggested changes should have minimal impact. Strongly support the party/attorney signing EJ-195 (Notice of Renewal of Judgment), as it will remove unnecessary work and prevent non-ministerial work from the clerk's process, streamline the renewal process for the judgment creditor and provide more information to the judgment debtor. • <i>Increases court staff workload:</i> Unless the court simply relies on 	The committee appreciates the information.

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SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

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	Commenter	Position	Comment	Committee Response
			<p>creditor representations and calculations, workload will be increased for either judicial officers or research attorneys to confirm accuracy before renewal order is issued.</p> <p>The JRS also notes that the proposal is required to conform to a change of law.</p>	
			<p><u>Suggested Modifications</u></p> <p>1. EJ-190 (Application for and Renewal of Judgment), para. 5 and EJ-195 (Notice of Renewal of Judgment), para. 1 a. & b. Recommend referencing applicable code sections.</p>	<p>The committee agrees and a note listing the applicable code sections is already among the recommended revisions to form EJ-190 item 5. The committee has also modified the recommended revisions to form EJ-195 by adding a citation to the applicable code sections at the end of item 1.</p>
			<p>2. JUD –100 (Judgment), para. 6e. Recommend modifying to: “<u>and/or</u> personal debt....”</p>	<p>The committee has modified the recommended revisions to item 6(e) of form JUD-100 in response to another comment, and it now has one field for medical expense claims and another for personal debt claims.</p>
			<p>3. MC-012 (Memorandum of Costs), para. 3, allows for multiple interest rates. Recommend also including spaces for the different principle amounts i.e., “for principal amount of , interest rate is % and for</p>	<p>The committee agrees, and in light of all of the comments received on this issue, is recommending a modified item 3 on form MC-012 that includes items in which to specify the rate or rates of interest being charged and the amount of principal to which</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
			principal amount of ___, interest rate is ____%.	it is being applied.
			4. Recommend a new response form similar to MC-224 (Response to Declaration of Default in Payment of Judgement) for a judgment debtor responding to EJ-190. A form would be especially helpful for litigants responding to judgments for consumer debt instead of having to self-draft a motion or objection.	Creating a new form is beyond the scope of this proposal, but the committee will consider this suggestion as time and resources allow.
			5. SC-224 (Response to Declaration of Default in Payment of Judgment). Recommend adding language that allows the judgment debtor to challenge the judgment creditor's characterization of the type of debt and corresponding interest rate.	The committee agrees and has added a revision of item 7 of form SC-224 to its recommendation. It now has two checkboxes, one for "I agree that interest in the amount of \$___ (the interest amount listed in item 7 of the Declaration of Default) may be added" and one for "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:".
			Response to request for specific comments:	The committee appreciates the response.
			1. Yes, the proposal appropriately addresses the stated purpose.	
			2. Yes, recommend that EJ-190, para 5j be further revised to account for SB 1200's exemptions.	The committee appreciates the response, and in light of all of the comments received on this issue, has modified the recommended

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR23-09**Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200** (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)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
				revisions of form EJ-190 to add the exemption language of Code of Civil Procedure section 683.110(d)(2) to the note under item 5j. The committee believes including this information will help self-represented litigants fill out the form.
			3. Yes, EJ-190 should be further revised to be signed by the judgment creditor/attorney rather than issued by the clerk.	The committee acknowledges the commenter's support for removing the clerk's signature from form EJ-195.
			Response to request for courts' comments: <ol style="list-style-type: none"> 1. No, the proposal will likely not provide cost savings. 2. As stated above, the proposal will require some updating of procedures and case management systems – not anticipated that there will be significant impact. 3. 3 months should be sufficient time for implementation but may depend on CMS vendor. 4. Do not anticipate that court size will be a factor in how well the proposal works. 	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.