



## **How to Request a Default Judgment**

### **Superior Court of New Jersey – Special Civil Part Small Claims and Regular Special Civil Part Cases**

#### **Who Should Use This Packet?**

If you sue someone by filing a complaint against him or her, that person (the defendant) is required to either answer your complaint in writing, or appear in person in court. If the defendant does not answer the complaint or fails to appear at a required court hearing, the defendant is “in default.”

Before the person who filed the complaint can attempt to collect any amount of money after defendant’s default, the court must also have a record that proves what amount the defendant must pay. This process is called “entering a default judgment.” Attached are instructions with a document called a *Certification of Proof* that is used to enter a default judgment against someone. This *Certification* shows how much the person owes you and asks the court to enter the default judgment in that amount. You will be asked to provide documentation that supports the amount you claim is owed. You must complete and submit the *Certification* form before you can collect any money owed.

#### **Use this packet if:**

- The request for a default judgment is submitted to the court within six months from the date that default was entered against the defendant. If you are unsure of this date, contact the staff of the Special Civil Part.

#### **DO NOT use this packet if:**

- More than six months have gone by from the date of the entry of default.
- Default was entered because the defendant’s answer was dismissed.
- The defendant’s answer was stricken for failure to answer interrogatories (a set of legal questions served upon the defendant and required to be answered).
- This is a repossession case.
- You are unable to prove that the defendant is not on active duty in the military.

If you cannot use this form, you are required to file a motion. A motion requires a decision by a judge. Forms and instructions to file a motion are available from the [Office of the Special Civil Part](#) or from the Internet at [njcourts.gov](http://njcourts.gov).

After a default judgment has been entered in the court record, the Office of the Special Civil Part will mail you a postcard that shows the date and amount of the judgment entered by the court against the defendant. Once you have completed the default judgment process, you are considered to be a “judgment creditor,” that is, someone who is owed money. Within seven days of receiving the postcard from the court, you must notify the person who owes you the money (known at that point as the “judgment debtor”) by ordinary mail of the date and amount of the judgment. You should contact the judgment debtor to discuss payment. If you do not receive the money that is owed you, court staff can tell you about several ways you can try to collect it. Forms and brochures explaining the collection process are available at the Office of the Special Civil Part.

With limited exceptions, any paper filed with the court can be looked at by the public. You may only file a motion on behalf of yourself. You may not file a motion for anyone else. A Power of Attorney does not allow you to file on behalf of anyone else. Motions filed on behalf of anyone else will be returned.

**Note:** These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The instructions and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available on the Judiciary’s Internet site [njcourts.gov](http://njcourts.gov). However, you are ultimately responsible for the content of your court papers.

## Things to Think About Before You Try to Represent Yourself In Court

### Try to Get a Lawyer

The court system can be confusing and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The county bar lawyer referral service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee.

There are also a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

### What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

### Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs, and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

## Instructions for Requesting a Default Judgment:

**STEP 1: Determine whether or not the defendant (judgment debtor) is a member on active military duty for the United States.** You must do this because federal law protects people from certain legal actions while they are on active military duty. This is required only if the default judgment is to be entered against an individual; if a default judgment is to be entered against a business, it is not necessary to complete Step 1.

You must do **one** the following:

- 1) If you have personal knowledge regarding whether the person is in the military, complete a Certification of Proof form that explains how you know that the person is or is not in the active military service. If you do not possess this personal knowledge regarding the defendant's status, you may not use this form.
- 2) You may contact the Department of Defense Manpower Data Center (DMDC) via their website. In order to do so, you must know the defendant's Social Security Number or date of birth. In order to access the web site you will need to accept the DoD certificate which verifies the authenticity of the web server prior to transmitting information from the web site. To obtain the certificate and access the website, click on this link: <https://scra.dmdc.osd.mil>

**STEP 2: Compile all the documentation and proof you have to support the entry of default judgment.** There are different types of information that can be considered as documentation or proof of the amount the defendant owes you. Some examples are:

- A written agreement to pay
- A canceled check
- Money Order
- Receipt

- Bill
- Agreement to Pay
- Invoice
- Signed Contract
- An Estimate
- Letters
- Leases
- Photographs

Your documentation should show the date(s) the debt occurred, the specific dollar amount owed, and any pre-judgment interest (interest from the date of debt up to the entry of the default judgment). Attach all copies of documentation and proof to the *Certification of Proof* form. Please be sure to retain a copy of all submitted documents for your record.

In certain cases, your documentation and supporting proof may not have all the required information that is needed to enter a default judgment. If you do not have written proof of the debt, or as much proof as is needed by the court to make a decision, a hearing may be scheduled before a judge so that you may testify in court as to the amount of the debt you believe the individual or business owes you. The court will decide whether to schedule such a hearing, known as a "proof hearing." If a proof hearing is scheduled, you will receive written notice of the date and time of the hearing.

### **STEP 3: Complete and Sign the attached form: Certification of Proof**

The attached form must be completed and signed by the person with personal knowledge of the facts of the case. The form must be received by the Court within 30 days from the date that it was signed by the person seeking the default judgment.

### **STEP 4: Send completed form, with all attachments, to the Office of the Special Civil Part.**

## Instructions for Completing the Certification of Proof (Form A)

1. At the top left of the form, enter your name, address, and daytime phone number. Make sure to check the box if your address and/or phone number have changed since the initial filing. If you are not an attorney, leave the *Attorney ID* field blank.
2. On the line labeled *Plaintiff(s)*, type or print the plaintiff's name.
3. On the line labeled *Defendant(s)*, enter the name(s) of the defendants listed on the complaint.
4. On the line labeled *County*, enter the county where you are filing this case.
5. On the line labeled *Docket Number*, enter the docket number. This information can be found on the post card that you received in the mail from the court.
6. To the right of *item 1*, enter the name of the person who has personal knowledge and is swearing to the facts of the case.
7. For *items 2 and 3*, no information required. This is a statement, which you are certifying by your signature to be true.
8. In the space after *item 4*, enter the address of the defendant/judgment debtor. You are also required to specify how you have personal knowledge that this is the defendant's address,
9. Only complete *Item 5* if the default judgment is against an individual, if defendant/judgment debtor is a business, **SKIP THIS ITEM**. For a default judgment against an individual, select the appropriate checkbox ( *is*  *is not on active duty*). On the lines below that statement, list all facts and explain how you know that the defendant is, or is not, in the active military service; or, attach the statement received from the Defense Manpower Data Center. If you contacted the five branches of the military directly, attach a copy of the statement you received from each branch.
10. Enter the specific dollar amount for the default judgment requested, in *item 6* after the text that reads *owes the total amount of*.
  - For *item 6a* list the principal amount due: the initial amount of money that was paid, invested, borrowed, loaned, etc., plus, any interest (where applicable). If you are requesting interest, you will be required to provide documentation that provides for the rate of the interest.
  - For *item 6b*, enter the court costs (filing fees paid by the plaintiff) to date. If you do not know the total of the filing fees you have paid, the Office of the Special Civil Part can provide this information.
11. For *item 7*, no information required. This is a statement, which you are certifying by your signature to be true.
12. Date and sign the form, and print your name under the signature. **Note:** when you fill out this form, you are certifying that the statements made on the form are true. If you willfully make false statements, you may be subject to punishment.

**NOTICE:** This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Name \_\_\_\_\_  Check if new address/phone number

NJ Attorney ID Number \_\_\_\_\_

Address \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

Superior Court of New Jersey

Law Division

\_\_\_\_\_ County

Docket Number: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

v.

### Certification of Proof

\_\_\_\_\_  
Defendant(s)

1. \_\_\_\_\_, being duly sworn upon his/her oath deposes and says:
2. I am fully familiar with all of the facts and all of the proceedings in the above matter.
3. The defendant/debtor is not a minor and is not a mentally incapacitated person.
4. The defendant/debtor's address is \_\_\_\_\_, and I am aware that the defendant's/debtor's address or business location is at this location because:  
**(state why and provide the source of your knowledge)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I am aware that the defendant(s) / debtor(s) **(for individuals only)** in the above matter  is  is not on active duty in the military service of the United States at the present time because:  
**(state why and provide the source of your knowledge)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The defendant(s)/debtor(s) owes the total amount of \$\_\_\_\_\_. This amount is based upon the following, after giving the defendant(s) all the credits due:
  - a) Principal amount due \$\_\_\_\_\_, pre-judgment interest (where applicable) in the amount of \$\_\_\_\_\_, the date of the defendant's breach was \_\_\_\_\_, and the document of obligation that provides for the rate of pre-judgment interest is attached.
  - b) Court costs in the amount of \$\_\_\_\_\_.

7. This is not a repossession case.

I have attached/ the documentation to support the entry of this default judgment.

I certify that the foregoing statements made by me are true. If any of the foregoing statements made by me are false, I am subject to punishment.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name