

How to Request a Default Judgment

Special Civil Part

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Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, 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 at the county courthouse or at [njcourts.gov](#). However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the special civil part of the Superior Court in the county where you are filing your case. A list of [Superior Court Offices](#) is provided at the customer counter or at [njcourts.gov](#).

Form A

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, active credit card number or military status.

Name _____ Check if new address/ phone number

NJ Attorney ID Number _____

Address _____

Email 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 their 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:

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:

- 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.
- 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 _____ s/
Signature _____

Type or Print Name _____

Instructions for How to Request a Default Judgment

Who Should Use This Packet?

If you sue someone by filing a complaint against them, 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 kit to:

- Request a default judgment, which must be 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 kit 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 [special civil part offices](#) or at [njcourts.gov](#).

After a default judgment has been entered in the court record, the special civil part office 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 U.S. 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 special civil part offices.

With limited exceptions, any paper filed with the court can be viewed by the public. You can only file a motion on behalf of yourself. You cannot 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.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8.5" x 11" white paper only. Forms cannot be filed on a different size or color paper.

Steps 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 cannot use this form.
2. You can contact the U.S. 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. To access the website, you will need to accept the DoD certificate that verifies the authenticity of the web server prior to transmitting information from the website. 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 records.

In certain cases, your documentation and supporting proof might 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 could be scheduled before a judge so that you can testify in court about 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: File the completed form, with all attachments, with the Special Civil Part Office.

You can file your papers electronically through JEDS, by mail or in person.

Instructions for completing Form A – *Certification of Proof*

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 postcard 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 and loaned, 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 is 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 could be subject to punishment.

Things to think about before you 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 can 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 service can supply you with the names of attorneys in your area willing to handle your particular type of case and sometimes consult with you at a reduced fee.

There are also 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 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 any special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. 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

If you do not hire an attorney but represent yourself, be sure to 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.

Definitions of words used in this packet

Answer - An answer is a written response which explains why you believe you do not owe the money to the other party in the case.

Complaint - A complaint is a written document in which you briefly tell the court the facts in your case and the remedy you want the court to give you.

Default - When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge can immediately enter an order giving a remedy to the plaintiff. This is called a default. Also, if the plaintiff does not show up in court, the court can dismiss the case.

Default Judgment - An order entering judgment for a specific amount against a defendant who failed to respond to a complaint or appear in court.

Defendant - The defendant is the person (party) against whom the court action (complaint) was filed.

Docket Number - The number the court assigned to this case when the complaint was filed. The docket number is listed on the complaint and answer.

File - To file means to give the appropriate forms and fee to the court to begin the court's consideration of your request.

Judgment - A judgment is the official decision of a court in a case.

Motion - A motion is a written request in which you ask the court to issue an order, or to change an order it has already issued.

Plaintiff - The plaintiff is the person (party) who started the court action by filing the complaint.