

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff/Petitioner: Defendant/Respondent:	
<b>REQUEST FOR (Application)    <input type="checkbox"/> Entry of Default    <input type="checkbox"/> Judgment</b>	
CASE NUMBER:	
<b>For use only in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.)</b>	

1. On the complaint or cross-complaint filed
  - a. on (date):
  - b. by (name):
  - c.  Enter default of defendant (names):
  - d.  I request a judgment under Civil Code section 1788.60 and Code of Civil Procedure section 585 against defendant (names):

*(Testimony may be required. Check with the clerk regarding whether a hearing date is needed.)*

e.  Default was previously entered on (date):

2. **Judgment to be entered.**

	<u>Amount</u>		<u>Credits acknowledged</u>	<u>Balance</u>
a. Demand of complaint*	\$	\$	\$	\$
b. Interest	\$	\$	\$	\$
c. Costs (see page 3)	\$	\$	\$	\$
d. Attorney fees	\$	\$	\$	\$
e. <b>TOTALS</b>	\$	\$	\$	\$

(\* Must be established by business records, authenticated through a sworn declaration, submitted with this application. (Civ. Code, §§ 1788.58(a)(4), 1788.60(a).))

3. This action is not barred by the applicable statute of limitations (Civ. Code, § 1788.56).
4. **Requirements for the complaint.**
  - a. The complaint alleges ALL of the following (Civ. Code, §§ 1788.58, 1788.60):
    - (1) That the plaintiff is a debt buyer;
    - (2) A short, plain statement regarding the nature of the underlying debt and the consumer transaction from which it is derived;
    - (3) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
    - (4) The debt balance at charge-off and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
    - (5) The date of the default OR the date of the last payment;
    - (6) The name and address of the charge-off creditor at the time of charge-off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;

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4. a. (7) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt;
- (8) The names and addresses of all persons or entities that purchased the debt after charge-off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser; and
- (9) That the plaintiff has complied with Civil Code section 1788.52.
- b. A copy of the contract or other document described in Civil Code section 1788.52(b) is attached to the complaint.

5. **Documentation requirements for default judgment.** ALL of the following documents are submitted with this request for default judgment (Civ. Code, § 1788.60(a)–(c)):

- a. A copy of the contract or other document evidencing the debtor's agreement to the debt, authenticated through a sworn declaration. See Civil Code section 1788.52(b) regarding documentation, including for revolving credit accounts.
- b. Business records, authenticated through a sworn declaration, to establish:
  - (1) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
  - (2) The debt balance at charge-off, and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
  - (3) The date of the default OR the date of the last payment;
  - (4) The name and address of the charge-off creditor at the time of charge-off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;
  - (5) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt; and
  - (6) The names and addresses of all persons or entities that purchased the debt after charge-off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser.

Date: \_\_\_\_\_

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(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

<b>FOR COURT USE ONLY</b>	(1) <input type="checkbox"/> Default entered as requested on <i>(date)</i> : (2) <input type="checkbox"/> Default NOT entered as requested <i>(state reason)</i> :
Clerk, by _____, Deputy	

6. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant  did  did not for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- |                                        |                               |
|----------------------------------------|-------------------------------|
| a. Assistant's name:                   | c. Telephone no.:             |
| b. Street address, city, and zip code: | d. County of registration:    |
|                                        | e. Registration no.:          |
|                                        | f. Expires on <i>(date)</i> : |

7.  **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action
- a.  is  is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
  - b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
  - c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

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8. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was
- a.  **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
  
  - b.  **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
    - (1) Mailed on (*date*):
    - (2) To (*specify names and addresses shown on the envelopes*):

I declare under penalty of perjury under the laws of the State of California that the foregoing items 6, 7, and 8 are true and correct.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

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(SIGNATURE OF DECLARANT)

9. **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service as that term is defined by either the Servicemembers Civil Relief Act, 50 U.S.C. App. § 3911(2), or California Military and Veterans Code sections 400 and 402(f).

10. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees ..... \$
- b. Process server's fees ..... \$
- c. Other (*specify*): ..... \$
- d. .... \$
- e. **TOTAL** ..... \$
- f.  Costs and disbursements are waived.
- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing items 9 and 10 are true and correct.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

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(SIGNATURE OF DECLARANT)