

Checklist for Default Judgment

Keep a copy of all documents for your records.
Attend all court hearings.

“Default” means that the other party has not filed an Answer or otherwise appeared in the case. To get a judgment by default, you must serve the other party with the Summons and the Complaint/Petition, file proof of service with the court, and then wait at least 20 days (30 days if the other party was served outside Utah). If the other party has not filed an Answer or otherwise appeared within that time, you may ask for judgment by default.

(1) Motion for Default Certificate

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1): Print the date on which service was complete. If service was by publication or other alternative means, service is complete when the last step required by the judge was taken. (For example, the last date of publication.)
- Paragraphs (2) and (3): Check the correct boxes to show who is in default.
- Attach the required documents.
- Date and sign the form.
- You do not need to serve the party who has defaulted, but you must serve any party who has not defaulted. Utah Rule of Civil Procedure 5.
- File the original form and attachments with the judicial services representative.

(2) Default Certificate

- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1): Print the date on which service was complete.
- Paragraphs (2) and (3): Check the correct boxes to show who is in default.
- Attach the form to the Motion for Default Certificate.
- The judicial services representative will sign the form.

(3) Military Service Declaration

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.

- Paragraph (1): Check the correct box to show who is in default.
- Paragraph (2): Check box (A) if after research you cannot determine whether the other party is in military service. Check box (B) if you are able to determine whether the other party is in military service.
- Paragraph (3): Describe the research you did to reach the conclusion stated in Paragraph (2).
- Paragraphs (4) and (5): Complete if you used the Department of Defense Manpower Data Center website to inquire about military service.
- Paragraph (6): Complete if you do not know and are unable to discover the defaulting party's date of birth or social security number for use on the Department of Defense Manpower Data Center website.
- Date and sign the form.
- Attach the form to the Motion for Default Certificate.

(4) Military Service Order

- Complete the heading exactly as it appears in the Complaint/Petition.
- Do not complete the rest of the form unless you are told to do so. Sometimes the judge will prepare the order; sometimes the judge will tell the winning party to prepare the order.
- Attach the form to the Motion for Default Certificate.

(5) Motion for Default Judgment

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1): Print the date on which service was complete.
- Paragraphs (2) and (3): Check the correct boxes to show who is in default.
- Attach the required documents.
- Date and sign the form.
- You do not need to serve the party who has defaulted, but you must serve any party who has not defaulted. Utah Rule of Civil Procedure 5.
- File the original form and attachments with the judicial services representative.

(6) Proposed Findings of Fact, Conclusions of Law, and Order

- Attach the document to the Motion for Default Judgment if you have not filed it earlier. If you have already filed the proposed Findings of Fact, Conclusions of Law, and Order, do not do so again.

- If you are preparing your own document, it must follow the Complaint/Petition exactly. The judge cannot make findings about any claim not included in the Complaint/Petition. The judge cannot grant any relief not requested in the Complaint/Petition. If the court website has a form for your type of case, follow the instructions for that form.

(7) Request to Submit for Decision

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Check the correct boxes to show who is in default.
- Date and sign the form.
- Attach the form to the Motion for Default Judgment.

(8) Notice of Judgment

After the judge signs the order:

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other parties, even the party in default.
- File the original form with the judicial services representative.

(9) Other documents

- This checklist is a general description of the process for obtaining a default judgment. There may be additional documents and procedures for your particular type of case.