

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 McAllister Street, San Francisco, CA 94102

Phone: 415-551-4000 | Website: <https://sfsuperiorcourt.org>



CHECKLIST FOR COURT JUDGMENT – AUTO DEFICIENCY JUDGMENT

Overview: What Is a Deficiency Balance?

Your lender can repossess your vehicle for failure to make payments towards the vehicle. Once repossessed, the lender sells the property, usually at an auction. After the item is sold, the sale price is subtracted from what you owe the lender. If the proceeds from the sale do not cover the total of what you owe the lender (they rarely do) you may be liable for the balance, called a deficiency or a deficiency balance.

Checklist for Court Judgment – Auto Deficiency Judgment

Case Number: _____

Defendant(s) against whom Judgment sought: _____

1. Proper Venue – Buyer resides in SF or did when contract signed Yes No
2. Complaint alleges – Contract entered on (date): _____
3. Contract breached on (date): _____
4. All co-defendants including DOES have been defaulted or dismissed Yes No
 - A. If NOT, is there a Declaration (dated: _____) explaining why all codefendants have not been dismissed or defaulted? Yes No
5. Was original contact for Sale or Loan? Sale Loan
6. If no original contract, is there a Declaration of Unavailability? Yes No
7. Is there a “Notice of Intent to Resell” after repossession? Yes No
8. Was “Notice of Intent to Resell” mailed to all co-signors of contract? Yes No
9. Was contract for sale? Yes No
 - A. Is there a Proof of Service (POS) or certified mail receipt? Yes No
 - B. Was POS mailed or personally served 15 days before resale? Yes No
 - C. Was POS or certified mail receipt within 60 days after repossession? Yes No

Case Number: _____

10. Was contract for a loan? Yes No
A. Is there a signed and dated Declaration of Mailing? Yes No
B. Was Declaration mailed at least 5 days before resale? Yes No
C. Is there a Declaration that resale was published by an ad in newspaper at least 5 days before resale? Yes No
11. Is there a Deficiency Judgment Declaration? Yes No
A. Was Declaration dated and signed under penalty of perjury? Yes No
B. Was the original contract balance on the Deficiency Judgment? Yes No
C. Declaration same as amount in the original sale contract? Yes No
12. Was Prejudgment interest requested? Yes No
(____% x _____ principal ÷ 365 days from breach to Judgment = interest)

Amount of Interest Awarded: \$ _____

13. Costs

	Requested	Awarded
Filing fee	\$ _____	\$ _____
Process server	\$ _____	\$ _____
Process service is	<input type="checkbox"/> registered <input type="checkbox"/> exempt	
Other costs (Define: _____)	\$ _____	\$ _____
	Total Costs Awarded:	\$ _____

14. Attorney Fees

	Requested	Awarded
Attorney fees	\$ _____	\$ _____
Amount on principal by Court schedule:	\$ _____	\$ _____
Is there a justifying Declaration if more than schedule?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Total Attorney Fees Awarded:	\$ _____

15. Is Plaintiff's calculation on the form worksheet correct? Yes No

Date: _____

Signature _____

Printed Name: _____

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Date: _____

Clerk: _____