



Superior Court of California County of San Francisco

CHECK LIST 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 # _____

Defendant against whom Judgment sought: _____

1. Proper Venue: buyer resides in SF or did when contract signed.....Yes No
 2. Complaint alleges: contract entered on____/____/____
 3. Contract breached on____/____/____
 4. All co-defendants incl. "Does" have been defaulted/dismissed.....Yes No
 5. If not, is there a Declaration (dated _____) why all co-defendants have not been dismissed/defaulted.....Yes No
 6. Was original contract for a sale or a loanSale Loan
 7. If no original contract, is there a declaration of unavailability.....Yes No
 8. Is there a "Notice of Intent to Resell" after Repossession.....Yes No
 9. Was "Notice of Intent to Resell" mailed to all co-signors of contract...Yes No
 10. Was contract for a sale.....Yes No
- Is there a POS or certified mail receipt.....Yes No
- Was POS mailed/personally served 15 days before resale.....Yes No
- Was POS or certified mail receipt w/in 60 days after repossession...Yes No

For Court Use Only

Date: _____

Clerk: _____

11. Was contract for a loan.....Yes No

Is there a signed/dated Declaration of mailingYes No

Was Declaration mailed at least 5 days before resale.....Yes No

Is there a Declaration that resale was published by an add in newspaper at least 5 days before resale.....Yes No

12. Is there a Deficiency Judgment Declaration.....Yes No

Was Declaration dated and signed under Penalty of Perjury.....Yes No

Was the original contract balance on the Deficiency Judgment Declaration same as amount in the original sale contact.....Yes No

13. Was Pre-Judgment interest requested.....Yes No

(___% x _____principal ÷ 365 days from breach to Judgment = interest)

Amount of interest awarded.....\$ _____

14. Costs: filing fee requested.....\$ _____ ; awarded.....\$ _____

Costs: Process server requested...\$ _____ ; awarded.....\$ _____

Is Process server registered or exempt

Costs: Other requested.....\$ _____ ; awarded.....\$ _____

List other costs: _____

Total Costs awarded.....\$ _____

15. Attorney fees requested.....\$ _____ ; awarded.....\$ _____

Amount on principal by court schedule.....\$ _____

16. Justifying declaration if more than schedule.....Yes No

Total Attorney fees awarded.....\$ _____

17. Is plaintiff's arithmetic on form worksheet correct

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Date: _____

Clerk: _____