

HELP FILE #5
SUBMITTING A FINAL JUDGMENT FOR PAST DUE RENT
COUNT II

NOTICE:

Information or forms provided by the Clerk of Circuit Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney.

TO SUBMIT A DEFAULT JUDGMENT FOR PAST DUE RENTS-COUNT II, THE SUMMONS MUST BE SERVED PERSONALLY ON A RESIDENT OF THE RENTAL PROPERTY.

When completing the following forms, use the same format used for completing forms for COUNT I of the eviction proceeding.

1. IF A RESPONSE IS NOT FILED BY THE TENANT:

- A. Wait until 20 days have elapsed after personal or substitute service has been obtained. (The 20th day must be a work day.)
- B. If a response is not filed within 20 days, file a Motion for Default as to Count II (form [COCV 1215](#)).
- C. Complete and have notarized an Affidavit in Proof of Claim for Past Due Rents (form [COCV 1245](#)). There is a fee for oath and notarization if performed by the clerk and personal identification is required.
- D. Prepare a Final Judgment for Past Due Rent, stating the amount of rent owed, plus costs not awarded in the Judgment for Possession (form [COCV 1271](#)).
- E. Prepare a Final Disposition Form. Read the instructions ([Final Disposition Form Instructions](#)) and complete all the information requested in the form. (Form [1.998](#)).
- F. Submit a copy of the judgment for plaintiff(s) and defendant(s) and an addressed, stamped envelopes for plaintiff(s) and defendant(s). The Judge's office will mail conformed copies of the judgment to both parties.

2. IF A RESPONSE IS FILED BY THE TENANT:

- A. File a written document titled Request for a Hearing or to Proceed to Judgment. You must complete and have notarized the Affidavit in Proof of Claim for Past Due Rents (form [COCV 1245](#)). There is a fee for oath and notarization if performed by the clerk and personal identification is required. Also complete the Final Judgment (form [COCV 1271](#)) and a Final Disposition Form ([Final Disposition Form Instructions](#) and form [1.998](#)).
- B. Submit a copy of the judgment for plaintiff(s) and defendant(s) and an addressed, stamped envelopes for plaintiff(s) and defendant(s). The Judge's office will mail conformed copies of the judgment to both parties.
- C. Prepare and Final Disposition Form. Read the instructions ([Final Disposition Form Instructions](#)) and complete all the information requested in the form. (Form [1.998](#)).
- D. If a hearing is held on Count II, you may need to complete and submit (form [COCV 1299](#)) and a Final Disposition Form ([Final Disposition Form Instructions](#) and form [1.998](#)).

3. IF COUNT II HAS BEEN RESOLVED:

- A. Complete and submit (form [COCV 1695](#)) and a Final Disposition Form ([Final Disposition Form Instructions](#) and form [1.998](#)).

ALL COMPLETED FORMS ARE FILED WITH THE CLERK'S OFFICE, COUNTY CIVIL DIVISION, AND ARE SUBMITTED TO THE JUDGE FOR REVIEW.