

DEFAULT WITH AGREEMENT

***Respondent's signature must be notarized.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Name (Nombre): _____ Address (Domicilio): _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 COUNTY CENTER MAILING ADDRESS: 400 COUNTY CENTER CITY AND ZIP CODE: REDWOOD CITY, CA 94063 BRANCH NAME: SOUTHERN BRANCH	
PETITIONER: RESPONDENT:	
REQUEST TO ENTER DEFAULT	CASE NUMBER: <div style="text-align: center; font-size: 1.2em;">FAM</div>

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155)

☐ is attached ☒ is not attached.

 A completed *Property Declaration* (form FL-160) ☐ is attached ☒ is not attached
 because (check at least one of the following):
 - (a) ☐ there have been no changes since the previous filing.
 - (b) ☒ the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) ☐ there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 - (d) ☐ the petition does not request money, property, costs, or attorney fees. (Fam. Code, §2330.5.)
 - (e) ☐ there are no issues of division of community property.
 - (f) ☐ this is an action to establish parental relationship.

Date: (Fecha):

(TYPE OR PRINT NAME) (NOMBRE)		(SIGNATURE OF [ATTORNEY FOR] PETITIONER) (FIRMA)
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3. Declaration

- a. ☐ No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
- b. ☒ A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (address of the respondent's attorney or, if none, the respondent's last known address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: (Fecha):

(TYPE OR PRINT NAME) (NOMBRE)		(SIGNATURE OF DECLARANT) (FIRMA)
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FOR COURT USE ONLY

- ☐ *Request to Enter Default* mailed to the respondent or the respondent's attorney on (date): _____
- ☐ Default entered as requested on (date): _____
- ☐ Default **not** entered. Reason: _____

Clerk, by _____, Deputy

CASE NAME (<i>Last name, first name of each party</i>): Petitioner: Respondent:	CASE NUMBER: FAM
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4. **Memorandum of costs**

a. ☒ Costs and disbursements are waived.

b. Costs and disbursements are listed as follows:

(1) <input type="checkbox"/> Clerk's fees	\$.....
(2) <input type="checkbox"/> Process server's fees	\$.....
(3) <input type="checkbox"/> Other (<i>specify</i>):	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
TOTAL	\$.....

c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: (Fecha):

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)
(NOMBRE)		(FIRMA)

5. **Declaration of nonmilitary status.** The respondent is not in the military service of the United States as defined in section 511 et seq. of the Servicemembers Civil Relief Act (50 U.S.C. Appen. § 501 et seq.), and is not entitled to the benefits of such act.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: (Fecha):

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)
(NOMBRE)		(FIRMA)

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the ☐ amended ☒ Petition ☐ Response is true and correct.
4. **Type of case** (check a, b, or c):
 - a. ☐ **Default without agreement**
 - (1) No response has been filed and there is no written agreement or stipulated judgment between the parties;
 - (2) The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition; and
 - (3) The following statement is true (check one):
 - (A) ☐ There are no assets or debts to be disposed of by the court.
 - (B) ☐ The community and quasi-community assets and debts are listed on the **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
 - b. ☒ **Default with agreement**
 - (1) No response has been filed and the parties have agreed that the matter may proceed as a default matter without notice; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
 - c. ☐ **Uncontested**
 - (1) Both parties have appeared in the case; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
5. **Declaration of disclosure** (check a, b, c, or d):
 - a. ☒ Both the parties have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
 - b. ☐ This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
 - c. ☐ This matter is proceeding by default. I am the petitioner in this action, and service of the summons on respondent was done by publication or posting under court order. Service of the preliminary *Declaration of Disclosure* (form FL-140) is not required. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.

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- d. ☐ This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained on the *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), in the settlement agreement or proposed judgment, or in another, separate stipulation.
6. ☐ **Child custody and visitation (parenting time)** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. ☐ The information in *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105) ☐ has ☐ has not changed since it was last filed with the court. *(If changed, attach updated form.)*
- b. ☐ There is an existing court order for custody/parenting time in another case in (county):
The case number is (specify):
- c. ☐ The current custody and visitation (parenting time) previously ordered in this case, or the current schedule is (specify):
- ☐ Contained on Attachment 6c.
- d. ☐ The facts that support the requested judgment are *(In a default case, state your reasons below)*:
- ☐ Contained on Attachment 6d.
7. ☐ **Child support** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. If there are minor children, check and complete item (1) if applicable and item (2) or (3):
- (1) ☐ Child support is being enforced in another case in (county):
The case number is (specify):
- (2) ☐ The information in the child support calculation attached to the proposed judgment is correct based on my personal knowledge.
- (3) ☐ I request that this order be based on the ☐ Petitioner's ☐ Respondent's earning ability. The facts in support of my estimate of earning ability are (specify):
- ☐ Continued on Attachment 7a(3).
- b. Complete items (1) and (2) regarding public assistance.
- (1) I ☐ am receiving ☐ am not receiving ☐ intend to apply for public assistance for the child or children listed in the proposed order.
- (2) To the best of my knowledge, the other party ☐ is ☐ is not receiving public assistance.
- ☐ Petitioner ☐ Respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.
8. **Spousal, Partner, and Family Support** *(If a support order or attorney fees are requested, submit a completed Income and Expense Declaration (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following.)*
- a. ☐ I knowingly give up forever any right to receive spousal or partner support.
- b. ☐ I ask the court to reserve jurisdiction to award spousal or partner support in the future to:
☐ Petitioner ☐ Respondent
- c. ☐ I ask the court to terminate forever spousal or partner support for: ☐ Petitioner ☐ Respondent
- d. ☒ Spousal support or domestic partner support should be ordered as set forth in the proposed *Judgment* (form FL-180) based on the factors described in:
☐ *Spousal or Partner Support Declaration Attachment* (form FL-157)
☒ written agreement
☐ attached declaration (*Attachment 8d*)
- e. ☐ Family support should be ordered as set forth in the proposed *Judgment* (form FL-180).
- f. ☐ Other (specify):

PETITIONER: RESPONDENT:	CASE NUMBER: FAM
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9. ☐ **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. ☐ A voluntary declaration of parentage or paternity is attached.
- b. ☐ Parentage was previously established by the court in (county):
The case number is (specify):
☐ The written agreement of the parties regarding parentage is attached here (Attachment 9b) or to the proposed *Judgment* (form FL-180).
10. ☐ **Attorney fees** should be ordered as set forth in the proposed *Judgment* (form FL-180).
☐ The facts in support of this request are on *Request for Attorney's Fees and Costs Attachment* (form FL-319).
☐ Other (specify facts below):
11. ☐ The judgment should be entered nunc pro tunc for the following reasons (specify):

12. ☐ Petitioner ☐ Respondent requests restoration of the former name as set forth in the proposed *Judgment* (form FL-180) (proceedings for dissolution or nullity of marriage only).
13. Irreconcilable differences have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.
14. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS

15. If this is a dissolution of a marriage or domestic partnership created in another state, the petitioner or the respondent has been a resident of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage or domestic partnership.
16. I ask that the court grant the request for a judgment of dissolution of marriage or domestic partnership based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.
17. ☐ **Status only judgment:** This declaration is only for the termination of marital or domestic partner status. I ask the court to reserve jurisdiction over all other issues not requested in this declaration for later determination.

THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS

18. I ask that the court grant the request of a judgment for legal separation based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.
- I understand that a judgment of legal separation does not terminate a marriage or domestic partnership, and that I am still married or a partner in a domestic partnership.**

19. ☐ Other (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: (Fecha):

(TYPE OR PRINT NAME) (NOMBRE)

(SIGNATURE OF DECLARANT) (FIRMA)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Name (Nombre): _____ Address (Domicilio): _____ _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 COUNTY CENTER MAILING ADDRESS: 400 COUNTY CENTER CITY AND ZIP CODE: REDWOOD CITY, CA 94063 BRANCH NAME: SOUTHERN BRANCH	
MARRIAGE OR PARTNERSHIP OF PETITIONER: RESPONDENT:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status <input type="checkbox"/> Judgment on reserved issues Date marital or domestic partnership status ends: _____ </div> <div style="width: 35%;"> <input type="checkbox"/> JUDGMENT <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY </div> </div>	CASE NUMBER: <div style="font-size: 1.5em; font-weight: bold; text-align: center;">FAM</div>

1. ☐ This judgment ☐ contains personal conduct restraining orders ☐ modifies existing restraining orders.
 The restraining orders are contained on page(s) _____ of the attachment. They expire on (date): _____
2. This proceeding was heard as follows: ☒ Default or uncontested ☒ By declaration under Family Code section 2336
 ☐ Contested ☐ Agreement in court
 - a. Date: _____ Dept.: _____ Room: _____
 - b. Judicial officer (name): _____ ☐ Temporary judge
 - c. ☐ Petitioner present in court ☐ Attorney present in court (name): _____
 - d. ☐ Respondent present in court ☐ Attorney present in court (name): _____
 - e. ☐ Claimant present in court (name): _____ ☐ Attorney present in court (name): _____
 - f. ☐ Other (specify name): _____
3. The court acquired jurisdiction of the respondent on (date): _____
 - a. ☒ The respondent was served with process.
 - b. ☐ The respondent appeared.

THE COURT ORDERS, GOOD CAUSE APPEARING

4. a. ☒ Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons
 - (1) ☒ on (specify date): _____
 - (2) ☐ on a date to be determined on noticed motion of either party or on stipulation.
- b. ☐ Judgment of legal separation is entered.
- c. ☐ Judgment of nullity is entered. The parties are declared to be single persons on the ground of (specify): _____
- d. ☐ This judgment will be entered nunc pro tunc as of (date): _____
- e. ☐ Judgment on reserved issues.
- f. The ☐ petitioner's ☐ respondent's former name is restored to (specify): _____
- g. ☐ Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
- h. ☐ This judgment contains provisions for child support or family support. Each party must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

CASE NAME (Last name, first name of each party): Petitioner: Respondent:	CASE NUMBER: FAM
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4. i. ☐ The children of this marriage or domestic partnership are:
- (1) ☐ Name Birthdate
- (2) ☐ Parentage is established for children of this relationship born prior to the marriage or domestic partnership
- j. ☐ Child custody and visitation (parenting time) are ordered as set forth in the attached
- (1) ☐ Settlement agreement, stipulation for judgment, or other written agreement which contains the information required by Family Code section 3048(a).
- (2) ☐ *Child Custody and Visitation Order Attachment* (form FL-341).
- (3) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
- (4) ☐ Previously established in another case. Case number: Court:
- k. ☐ Child support is ordered as set forth in the attached
- (1) ☐ Settlement agreement, stipulation for judgment, or other written agreement which contains the declarations required by Family Code section 4065(a).
- (2) ☐ *Child Support Information and Order Attachment* (form FL-342).
- (3) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
- (4) ☐ Previously established in another case. Case number: Court:
- l. ☒ Spousal, domestic partner, or family support is ordered:
- (1) ☐ Reserved for future determination as relates to ☐ petitioner ☐ respondent
- (2) ☐ Jurisdiction terminated to order spousal or partner support to ☐ petitioner ☐ respondent
- (3) ☐ As set forth in the attached *Spousal, Partner, or Family Support Order Attachment* (form FL-343).
- (4) ☒ As set forth in the attached settlement agreement, stipulation for judgment, or other written agreement.
- (5) ☐ Other (specify):
- m. ☒ Property division is ordered as set forth in the attached
- (1) ☒ Settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Property Order Attachment to Judgment* (form FL-345).
- (3) ☐ Other (specify):
- n. ☐ Attorney fees and costs are ordered as set forth in the attached
- (1) ☐ Settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Attorney Fees and Costs Order* (form FL-346).
- (3) ☐ Other (specify):
- o. ☐ Other (specify): Child support is reserved.

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

JUDICIAL OFFICER

5. Number of pages attached: _____

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar property interest. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER: RESPONDENT:	CASE NUMBER
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THE COURT MAKES THE FOLLOWING FINDINGS:

☐ Petitioner ☐ Respondent has resided in this county for at least three months and in California for six months preceding the filing of the Petition for Dissolution of Marriage/Domestic Partnership.

The date of marriage/domestic partnership registration was _____ and the date of separation was _____.

Irreconcilable differences in this marriage/domestic partnership have led to the irremedial breakdown of the marriage/domestic partnership.

IT IS FURTHER ORDERED AS FOLLOWS:

☐ That the Settlement Agreement signed by the parties and attached hereto shall be approved, merged, and incorporated into this Judgment. The parties are ordered to comply with the terms therein.

SPOUSAL SUPPORT:

NOTICE: IT IS THE GOAL OF THIS STATE THAT EACH PARTY SHALL MAKE REASONABLE GOOD FAITH EFFORTS TO BECOME SELF-SUPPORTING AS PROVIDED FOR IN FAMILY CODE SECTION 4320. THE FAILURE TO MAKE REASONABLE GOOD FAITH EFFORTS, MAY BE ONE OF THE FACTORS CONSIDERED BY THE COURT AS A BASIS FOR MODIFYING OR TERMINATING SUPPORT

☐ Spousal support shall be reserved for ☐ Petitioner ☐ Respondent until ☐ the termination date of _____ and/or ☐ further order of court.

☐ Spousal support shall be ordered as attached in FL-343.

☐ As set forth in the current spousal support order filed on _____ which shall remain in full force and effect ☐ except as modified herein until ☐ the termination date of _____ and/or ☐ further order of court.

☐ The court hereby terminates jurisdiction to award spousal support or partner support to:
☐ Petitioner ☐ Respondent

NOTICE REGARDING THE TERMINATION DATE OF SPOUSAL SUPPORT: ANY REQUEST FOR SPOUSAL SUPPORT MUST BE FILED BEFORE THE TERMINATION DATE; OTHERWISE THE JURISDICTION OF THIS COURT TO REVIEW SPOUSAL SUPPORT SHALL AUTOMATICALLY TERMINATE.

PROPERTY DIVISION:

☐ There are no community property assets or community debts.

☐ All issues regarding ☐ separate ☐ community/quasi-community property assets and debts are reserved.

☐ Property division shall be ordered as attached in FL-345.

☐ Division of pension benefits shall be ordered as attached in FL-348.

PETITIONER: RESPONDENT:	CASE NUMBER
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STIPULATION FOR JUDGMENT

The undersigned parties have read the judgment and all attachments thereto and understand its terms. The parties have not entered into this stipulation under duress or coercion.

The foregoing is agreed to by:

Date: _____

Petitioner

Date: _____

Respondent

Date: _____

Judge of the Superior Court

STIPULATION FOR JUDGMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Name (Nombre): _____ Address (Domicilio): _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 COUNTY CENTER MAILING ADDRESS: 400 COUNTY CENTER CITY AND ZIP CODE: REDWOOD CITY, CA 94063 BRANCH NAME: SOUTHERN BRANCH		
PETITIONER: RESPONDENT:		
NOTICE OF ENTRY OF JUDGMENT		CASE NUMBER: FAM

You are notified that the following judgment was entered on (date) :

1. ☒ Dissolution
2. ☐ Dissolution - status only
3. ☐ Dissolution - reserving jurisdiction over termination of marital status or domestic partnership
4. ☐ Legal separation
5. ☐ Nullity
6. ☐ Parent-child relationship
7. ☐ Judgment on reserved issues
8. ☐ Other (specify) :

Date:

Clerk, by _____, Deputy

-NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY-

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of marital or domestic partnership status(specify) :

WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (place) : Redwood City, California, on (date) :

Date: _____ Clerk, by _____, Deputy

☐ Name and address of petitioner or petitioner's attorney
 ☐ Name and address of respondent or respondent's attorney
