

HELP FILE #3
SUBMITTING A FINAL JUDGMENT
IF YOUR COMPLAINT IS FOR NON-PAYMENT OF RENT

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.

After the 5 working days for the tenant to respond to the written summons have passed and the tenant has not filed an answer and/or deposited all the rent due, you may proceed with the lawsuit. When you are ready to request a judgment, please complete the appropriate documents.

Choose one of the forms listed below:

1. Motion for Default (*form [COCV 1215](#)*). The tenant **has not** filed a response **or** deposited rent.
2. Motion for Immediate Default (*form [COCV 1118](#)*) The tenant **has filed** a response and did **not** deposit the past due rent or deposited only part of the rent due.

COMPLETE FORMS LISTED BELOW IN ALL NON-PAYMENT SITUATIONS

3. (*Form [COCV 1241](#)*) Affidavit in Proof of Claim and Non-Military Service - Count I
Complete all the information requested in the form. You need to sign this form before a notary public or a deputy clerk. There is a fee for the oath and notarization by a deputy clerk and personal identification is required.
4. (*Form [COCV 1774](#)*) Judgment for Possession - Count I
Complete all the information requested in the form. Check one of two lines directing when the writ of possession shall issue. Print or type in the amount of court costs expended (filing fee and cost for service of the summons).
5. (*Form [COCV 1239](#)*) Writ of Possession
Complete all the information requested in the form. Print or type the name, address and telephone number of person to be contacted by the deputy on the lines at the lower left side of the form. This person will be contacted at the time the writ of possession is enforced.

If the tenant **files** an answer, and **deposits ALL** of the rent due, you must prepare and file a Request for Hearing. No preprinted form is available. After a hearing, *form [COCV 1774](#)* and *form [COCV 1239](#)* may need to be completed.

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