

**Superior Court of California
County of Solano**

**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

9.1 ATTORNEY FEES - UNLIMITED CIVIL MATTERS

a. RECOVERY OF "REASONABLE" ATTORNEY FEES IN DEFAULT CASES

Except in open book accounts, whenever the obligation sued upon provides for the recovery of "reasonable" attorney fees and the matter is heard as an unlimited civil matter, the fees in each default case shall be fixed pursuant to the schedule set forth in subsection (d).

b. ATTORNEY FEES IN JUDGMENTS ISSUED BY THE CLERK OF THE COURT

Except in open book accounts, in unlimited civil matters where the Clerk of the Court may issue a Judgment, attorney fees shall be calculated using the schedule set forth in subsection (d).

c. REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES

Any attorney seeking fees in excess of those provided for in subsection (d) shall be required to apply for a hearing on the Default Calendar and supply an affidavit in accordance with Code of Civil Procedure section 585.

d. SCHEDULE OF ATTORNEY FEES

Attorney fees shall be calculated using the following formula:

- 25% of the first \$1,000 (with a minimum of \$150)
- 20% of the next \$4,000
- 15% of the next \$5,000
- 10% of the next \$10,000
- 5% of the next \$30,000
- 2% over \$50,000

Example:

Demand of Complaint - \$54,000.00

1. 25% of the first \$1,000 = \$250.00 (the minimum fee of \$150 would apply if the amount of the demand was under \$1,000)
Subtract \$1,000 from the total demand of the complaint - \$54,000 - \$1,000 = \$53,000

**Superior Court of California
County of Solano**

**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

2. 20% of the next \$4,000 = \$800
Subtract \$4,000 from the remaining balance - \$53,000 = \$4,000 = \$49,000
3. 15% of the next \$5,000 = \$750
Subtract \$5,000 from the remaining balance - \$49,000 - \$5,000 = \$44,000
4. 10% of the next \$10,000 = \$1,000
Subtract \$10,000 from the remaining balance - \$44,000 = \$10,000 = \$34,000
5. 5% of the next \$30,000 = \$1,500
Subtract \$30,000 from the remaining balance - \$34,000 = \$30,000 = \$4,000
6. 2% over \$50,000 (this percent should be calculated on any remaining amount, in this instance \$4,000) – 2% of \$4,000 = \$80

Total attorney’s fees: \$4,380

(Rule 9.1 amended effective January 1, 2009; adopted effective May 13, 1988.)

9.2 ATTORNEY FEES - LIMITED CIVIL MATTERS

a. ATTORNEY FEES FOR DEFAULT LIMITED CIVIL MATTERS (CODE OF CIVIL PROCEDURE § 585(a))

Except for open book accounts, attorney fees in default limited civil matters shall be calculated per the schedule set forth in subsection (c), subject to any limitations set forth elsewhere in Rule 9.

b. REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES

Any attorney seeking fees in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

**Superior Court of California
County of Solano**

**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

c. SCHEDULE OF ATTORNEY FEES

Amount	Fees
\$1.00 to \$600.00	\$150.00
\$600.00 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.00 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.00 to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

d. ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS

- (1) In unlawful detainer actions, the attorney fees are fixed upon the schedule set forth in subsection (c) with a minimum of \$300.00. The maximum fee shall not exceed the court's jurisdiction.
- (2) Recapitulation:
25% of the first \$1,000.00, with a minimum of \$150.00
15% of the next \$9,000.00
10% of the next \$15,000.00
- (3) Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Rule 9.2 adopted effective January 1, 2009; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988.)

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. ATTORNEY FEES IN OPEN BOOK ACCOUNTS

Subject to subsection (b), attorney fees in all open book accounts shall be calculated pursuant to the following schedule:

Amount	Fees
\$1.00 to \$600.00	\$150.00
\$600.00 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.00 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.00 to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

**Superior Court of California
County of Solano**

**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

**b. MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK
ACCOUNTS**

Per Civil Code section 1717.5, the maximum fee allowable in open book accounts shall be the lesser of the following:

- (1) 25% (Twenty-five percent) of the principal obligation owing under the contract; or
- (2) The following amount:
 - (a) \$800.00 based upon an obligation owing by a natural person for goods, moneys, or services which were primarily for personal, family, or household purposes.
 - (b) \$1,000.00 for all other book accounts.

(Rule 9.3 adopted effective January 1, 2009.)