

AB 747 and Your Default Judgments: What LA Plaintiff Counsel Should Change Before January 1, 2027

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Sometime in early 2027, a motion is going to land on your desk swearing that a defendant you defaulted in 2026 was never served. Under the law as it stands today, your process server's registered return carries a presumption the movant has to overcome, and most of these motions die there. Under the law that takes effect January 1, 2027, that presumption evaporates the moment the movant files a competent affidavit, and you have to prove service happened, at a hearing, possibly with your server on the stand. What's in that server's file, GPS-stamped photographs and a per-attempt log, or a one-line note reading "posted," decides whether your judgment survives.

That mechanism sits inside AB 747, the Service of Process Accountability, Reform and Equity Act, chaptered October 10, 2025 as chapter 563 of the 2025 Statutes, with its operative provisions taking effect January 1, 2027. Coverage from Bloomberg Law to the plaintiff bar has called it the biggest change to California service of process in fifty years, and for once the billing delivers. Most of that coverage explains the photograph requirement. We're going to cover the three areas the coverage keeps missing: the burden shift described above, a transition rule that governs every return you file between now and January 1, and a citation trap that can undercut a brief if you get ahead of the effective date.

1. New CCP 473.2: the burden shift

The photograph requirement has dominated the coverage of AB 747. The set-aside procedure will dominate the motion practice.

Under new Code of Civil Procedure section 473.2, a party who says they weren't served can move to set aside the default or default judgment. The mechanism:

1. The moving party offers evidence, by sworn affidavit or otherwise, that service wasn't lawfully effected.
2. That evidence **rebutts the presumption** attached to the process server's return.
3. The burden then shifts to **the party who obtained the default** to prove lawful service by a preponderance of the evidence.
4. The court **shall take evidence** on the lawfulness of service.
5. The court **cannot deny a reasonable request** by either party for a hearing with oral testimony.

Read number 3 again.

Today the registered server's return carries a presumption that the opposing party has to overcome. Beginning January 1, a competent affidavit flips that, and the party defending the judgment has to

affirmatively prove service happened.

That's you.

Read number 5 again, too. Your process server can be called to testify. If your server's file is a one-line entry that says "posted," you'll likely lose that hearing. If it's three timestamped attempts with GPS-stamped photographs of the door, you'll stand a good chance of prevailing.

The related amendments compound this. Amended CCP 473 codifies *California Capital Insurance Co. v. Hoehn* (2024): a judgment void for lack of proper service can be challenged **at any time**, with no deadline. Amended CCP 585 makes a fully compliant proof of service an explicit prerequisite to entry of default.

The quality of your server's documentation stops being a vendor detail on January 1, and becomes the durability of your judgment.

2. The trap: don't cite AB 747 as current law before January 1, 2027

Nobody is warning you about this one, and it's the easiest mistake to make this year.

AB 747 was drafted as paired repeal-and-replace sections. For the sections it amends, **leginfo displays both versions**, the current one and the 2027 one, and they aren't always obviously labeled on the page you land on. It's genuinely easy to read the wrong text and cite an obligation that doesn't exist yet.

Concretely, the three-attempts-on-three-days-at-three-times standard is **not current law**. Reasonable diligence under CCP 415.20(b) is today a case-law standard, governed by *Bein v. Brechtel-Jochim Group* (1992) 6 Cal.App.4th 1387, which is roughly two to three good-faith attempts at varied days and times, assessed case by case. If you brief 3/3/3 as a present statutory requirement in 2026, you're citing law that isn't operative yet.

The same applies to the photograph requirement and to the public-register provision. They're the standard a careful server should already be meeting. They're not yet obligations you can enforce by citation.

Before citing any amended section this year, confirm the operative date on the version you're reading.

3. The transition rule that covers everything you file this year

New CCP 473.2(b)(2) contains a provision worth knowing precisely, because it governs your entire pending inventory:

If a return is filed before January 1, 2027, the absence of photographs does not by itself render the proof of service unlawful or insufficient.

Two things follow.

You don't need to panic about pending defaults. A 2026 return without photographs isn't defective for that reason alone. Anyone telling you your existing judgments are exposed on photo grounds is selling you something.

Notice "by itself." The phrase is narrower than it reads. The absence of photographs isn't independently fatal, but it also isn't protective. If a 2027 motion challenges a 2026 service, you still have to prove service happened, and you'll be proving it with whatever your server actually recorded. The transition rule saves you from a technical defect. It does not manufacture evidence you never collected.

That's the real argument for changing what you demand from your servers now rather than in December 2026: the documentation you're creating today is what you'll defend in 2027 and beyond, under a burden that will have shifted significantly.

4. What the statute will actually require

Briefly, since this is covered well elsewhere.

Photographs (new CCP 417.10). At least one photograph per effected or attempted service under CCP 415.10, 415.20 or 415.45, showing the door, or the entrance where the door isn't reasonably accessible, with a readable stamp establishing date, time and GPS coordinates, taken as close to the time of service as practicable, submitted with the proof of service. If the door wasn't accessible, the server must explain why with specificity. Two exceptions, each requiring a detailed written statement on or with the proof: no GPS or cellular signal available (underground garages and rural dead zones, mostly), and circumstances where photographing would compromise the server's safety. Service by mail with acknowledgment under CCP 415.30 sits outside this, since no attendance occurs.

Reasonable diligence (amended CCP 415.20, 415.45). Three good-faith attempts, on three different days, at three different times of day, before substituted service or service by posting. In residential unlawful detainer, at least one attempt must be at the dwelling. In consumer debt actions under Civil Code 1788.2, at least one attempt at the dwelling where it's known or determinable with reasonable effort. The dwelling requirement doesn't reach commercial real property matters, and there's a narrow exemption tied to address-confidentiality participants under Government Code 6205.5. That exemption is narrower than the "government housing" shorthand you'll see repeated in secondary coverage.

Proof of service (amended CCP 417.40). The registered server's **county of registration and registration number** must appear on every proof they sign. Both. A number without the county doesn't satisfy the section, and this isn't hypothetical: we've already had to correct exactly this defect on a proof another firm prepared for re-signature.

Mailing (amended CCP 415.20). Priority Mail with tracking and Certified Mail with return receipt are added as options for the substituted-service follow-up mailing. First-class mail remains permitted. It was not taken away.

Registration (amended B&P 22355). County registers of process servers become publicly available.

5. What to change now

Five things, in order of how much they protect you.

1. **Require photographs on every attempt, not just successful ones.** Failed attempts are what establish diligence, and diligence is what a 473.2 motion attacks.
2. **Require the county and the registration number on every proof.** Audit the proofs you're receiving today. This defect is common and it's free to fix.
3. **Require a contemporaneous attempt log,** with date, time and observations for each attempt, retained and producible. The proof of service is a summary. The log is the evidence.
4. **Ask your server, in writing, whether they're AB 747 compliant today.** Any server who can't produce GPS-stamped door photographs and a per-attempt log in 2026 won't be able to in 2027 either.
5. **Don't re-plead your existing 2026 defaults.** The transition rule covers them. Spend the effort on what you file going forward.

6. Two open items

AB 2042. Assemblymember Kalra's follow-up bill, as amended March 16, 2026, restates the AB 747 proof-of-service provisions and is described as making nonsubstantive changes. It doesn't appear to alter the substance of anything discussed above. It was still moving as of this writing, so confirm its final form before relying on the 2027 text verbatim.

The CCP 415.30 carve-out. The exclusion of mail-with-acknowledgment service from the photograph requirement follows from the structure of the statute rather than from explicit exclusionary text. It's a sound reading, but it's not a holding.

AB 747 makes your server's documentation decisive evidence, shifts the burden of proof to you on the filing of a competent affidavit, and gives you about five months to adjust what you require from your vendors. Change the requirements now, and the 2027 motions become hearings you win.

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Angel City has photographed every serve with GPS-stamped date, time and coordinates since it opened, on the view that the 2027 standard is the right standard now. Registered agent serves in the Glendale corridor (CT Corporation, NRAI, USCA): \$69 flat, \$49 per serve for firms sending five or more. angelcitylegal.com · (323) 362-2129 · info@angelcitylegal.com

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