

MAINE JUDICIAL BRANCH

\_\_\_\_\_ Plaintiff

Superior Court  District Court

County: \_\_\_\_\_

Location (Town): \_\_\_\_\_

Docket No.: \_\_\_\_\_

V.

\_\_\_\_\_ Defendant

**AFFIDAVIT AND REQUEST FOR DEFAULT  
AND DEFAULT JUDGMENT**

M.R. Civ. P. 55

Attorney for Plaintiff  Plaintiff, represents, under oath, that each of the statements marked below is true, of the affiant's own knowledge as to the defendant, \_\_\_\_\_.

- 1. a)  Defendant has failed to appear, plead or otherwise defend this action as required by the Maine Rules .
- b)  Defendant has appeared, but has failed to plead or otherwise defend this action in that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. a)  Defendant is not a minor or incompetent person.
- b)  Defendant is a  minor  incompetent person and appearance has been entered for Defendant by  guardian  guardian ad litem,  conservator or  other representative \_\_\_\_\_.

- 3.  To the personal knowledge of the undersigned, Defendant is not in the Military Service of the United States, as defined in the Servicemembers Civil Relief Act of 2003, (50 USC § 3911)(no default against servicemembers allowed per 50 USC § 3931). This fact is evidenced by the following facts as to residence, employment, etc.:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. a)  Plaintiff's claim against Defendant is for a sum certain, or for a sum which can by computation be made certain, and the amount now due by the Defendant to the Plaintiff on the claim set forth in the complaint in this action is the sum of \$\_\_\_\_\_, plus interest and costs.
- b)  The original or copy of any negotiable obligation upon which this action is brought is transmitted to the Court herewith.

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**Language Services:** For language assistance and interpreters, contact a court clerk or [interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov).

MAINE JUDICIAL BRANCH

c)  The Plaintiff's claim against Defendant is not for a sum certain, nor for a sum that can by computation be made certain.

5.  To the personal knowledge of the undersigned, venue was properly laid in this Court, as shown by the following facts \_\_\_\_\_

\_\_\_\_\_

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_  
Affiant

Personally appeared the above-named affiant and made oath to the foregoing affidavit.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_  
 Notary Public  Attorney at Law

REQUEST FOR DEFAULT AND DEFAULT JUDGMENT

The Plaintiff requests that:

- 1. That the Clerk enter the default of \_\_\_\_\_, defendant.
- 2. a)  That judgment by default against the defendant, \_\_\_\_\_, be entered by the clerk in the sum of \$\_\_\_\_\_, with interest and costs.
- b)  That judgment by default against the defendant, \_\_\_\_\_, be granted by the Court ex parte.
- c)  That judgment by default against the defendant, \_\_\_\_\_, be granted by the Court upon notice to the defendant or his representative and hearing.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_  
 Attorney for Plaintiff  Plaintiff

\_\_\_\_\_

\_\_\_\_\_

(Address)

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MAINE JUDICIAL BRANCH

ENTRY OF DEFAULT

The defendant, \_\_\_\_\_ has failed to plead or otherwise defend this action, and Defendant's default is entered.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_ Clerk

DEFAULT JUDGMENT BY THE CLERK

A default having been entered, and it appearing by affidavit that the plaintiff's claim is for a sum certain or which can be made certain by computation; that the defendant is not a minor or incompetent person; that the defendant is not in the military; and that venue is properly laid in this court; (and that the original or copy of the negotiable instrument has been filed with the clerk), judgment is hereby entered for the Plaintiff, \_\_\_\_\_ against the Defendant \_\_\_\_\_ for the sum of \$\_\_\_\_\_ with pre-judgment interest at the rate of \_\_\_\_\_, post-judgment interest at the rate of \_\_\_\_\_ and costs.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_ Clerk

DEFAULT JUDGMENT BY THE COURT

A default having been entered, and it appearing by affidavit that the plaintiff's claim is for a sum certain or which can be made certain by computation; that the defendant is not a minor or incompetent person; that the defendant is not in the military; and that venue is properly laid in this court; (and that the original or copy of the negotiable instrument has been filed with the clerk), judgment is hereby entered for the Plaintiff, \_\_\_\_\_ against the Defendant, \_\_\_\_\_ for the sum of \$\_\_\_\_\_ with pre-judgment interest at the rate of \_\_\_\_\_, post-judgment interest at the rate of \_\_\_\_\_, and costs.

Date (mm/dd/yyyy): \_\_\_\_\_  \_\_\_\_\_  Judge  Justice

A true copy, Attest: \_\_\_\_\_ Clerk

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