

MAINE JUDICIAL BRANCH

Plaintiff

"X" the Court for filing:

Superior Court District Court BCD

V.

County: _____

Location (Town): _____

Defendant

Docket No.: _____

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 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. (If the amount is \$10,000 or more, a fee is imposed, pursuant to M.R. Civ. P. 55(e).)
- b) The original or copy of any negotiable obligation upon which this action is brought is transmitted to the Court herewith.
- c) The Plaintiff's claim against Defendant is not for a sum certain, nor for a sum that can by computation be made certain.

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

6. Affiant has provided notice as required (M. R. Civ. P. 55(f)).

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 Clerk

REQUEST FOR DEFAULT AND DEFAULT JUDGMENT

The Plaintiff requests that:

- 1. That the default of defendant _____ be entered by the clerk the Court.
- 2. a) That judgment by default against the defendant, _____, be entered by the clerk in the sum of \$ _____, with interest and costs (M.R. Civ. P. 55(b)(1); M.R. Civ. P. 55(e)).
- b) That judgment by default against the defendant, _____, be granted by the Court in the sum of \$ _____, with interest and costs (M. R. Civ. P. 55(b)(2); M.R. Civ. P. 55(e)).
- c) That judgment by default against the defendant, _____, be granted by the Court upon notice to the defendant or his representative and hearing (M. R. Civ. P. 55(b)(2)).

Date (mm/dd/yyyy): _____  _____
 Attorney for Plaintiff Plaintiff

Bar No. (if applicable): _____

Address: _____

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ENTRY OF DEFAULT

The defendant, _____ has failed to plead or otherwise defend this action.

Date (mm/dd/yyyy): _____ ► _____
Clerk

The above referenced defendant's default is entered.

Date (mm/dd/yyyy): _____ ► _____
 Judge Justice 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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