

## **INSTRUCTIONS FOR AFFIDAVIT FOR DEFAULT**

Pursuant to F.R.B.P. 7055 the Clerk is permitted to enter a default only upon REQUEST FOR DEFAULT AND A VERIFIED AFFIDAVIT. The affidavit shall set forth facts of the case.

These facts include:

1. Date of issuance of the summons;
2. Statement of whether the Court fixed a deadline for the filing of an answer or motion, or whether the 30 (or 35) day limit applies;
3. Date of service of the complaint;
4. Date of filing of an affidavit or return of service;
5. Statement that no answer or motion has been received within the time limit fixed by the Court or by F.R.B.P. 7012(a);
6. Statement that the defendant is not in the military service (as required by the Soldier's & Sailor's Civil Relief Act, 50 U.S.C. App. §521). If the defendant is, or may be, in the military service, the defendant is afforded certain protections which must be addressed prior to the entry of default.
7. Statement that the defendant is not a minor or an incompetent person as required by FRCVP 55(b)(1).

Caption Instructions:

1. The affidavit must contain the COMPLETE caption setting forth the name of the Court, names of parties, bankruptcy and adversary case numbers, and must be verified.