

M E M O R A N D U M

TO: Plaintiff Requesting Entry of Default or Default Judgment

DATE: _____

FROM: _____, Deputy Clerk

RE: Adversary Proceeding Name: _____
v. _____
Adversary Proceeding Number: _____

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ENTRY OF DEFAULT

Pursuant to Bankruptcy Rule 7055 and Federal Rule of Civil Procedure 55, the Clerks Office requires the following for entry of default requests:

- C a motion for entry of default;
- C a statement that the time for answering has expired and the party against whom relief is sought has failed to plead or otherwise defend the action;
- C a statement on whether the party against whom relief is sought is in the military service (50 U.S.C. §520); and
- C an entry of default.

The Clerks Office suggests that the motion for entry of default or accompanying affidavit include the date of the issuance of the summons, and the date and manner of service of the complaint.

If the Clerk is authorized under Rule 55 to sign the entry of default, the entry should contain the following signature line:

William L. Schwenn, Clerk

By: _____
Deputy Clerk

Otherwise, the entry of default should contain the Judge's signature line.

DEFAULT JUDGMENT

A request for a default judgment should include the following:

- C a motion for default judgment (can be included with the motion for entry of default);
- C if the claim is for a sum certain, an affidavit of the amount due;
- C whether the defendant has appeared; and
- C whether the defendant is an infant or incompetent.

If the Clerk is authorized under Federal Rule 55 to sign the default judgment, the judgment should contain the following signature line:

William L. Schwenn, Clerk

By: _____
Deputy Clerk

Otherwise, the default judgment should contain the Judge's signature line.