

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

M E M O R A N D U M

TO: Plaintiff

FROM: The Clerks Office

RE: Request for Entry of Default or Default Judgment

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:

- **a motion for entry of default or an affidavit**
- **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;**
- **an entry of default.**

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

The entry should contain the following signature line:

Reid Wilcox, Clerk

By: _____
Deputy Clerk

DEFAULT JUDGMENT

A request for a default judgment should include the following:

- **a motion for default judgment (can be included with the motion for entry of default) stating whether the defendant has appeared and whether the defendant is an infant or incompetent;**
- **if the claim is for a sum certain, an affidavit of the amount due; and**
- **an affidavit showing that the party against whom relief is sought is or is not in the military service (50 U.S.C. §520).**

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

Reid Wilcox, Clerk

By: _____
Deputy Clerk

Otherwise, the default judgment should not contain a signature or date line so that it may be routed to the judge through the electronic order signing program.