

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

MEMORANDUM

TO: PLAINTIFF

FROM: CLERKS' OFFICE, U. S. BANKRUPTCY COURT

RE: Request for Entry of Default or Default Judgment

Entry of Default

Pursuant to Bankruptcy Rule 7055, the following should be included with a Motion for Entry of Default or an Affidavit Requesting Entry of Default:

- A statement in the motion (or affidavit) that the time for answering has expired and the party against whom relief is sought has failed to plead or otherwise defend the action.
- A proposed Entry of Default with 3 inches of blank space at the top of the first page to allow for the signature of the Clerk.

The Clerks' Office recommends 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.

E-filers should use the CM/ECF event *Motion/Entry of Default (Affidavit)* to file the Motion for Entry of Default or Affidavit with the court.

Default Judgment

In addition to a description of the specific relief requested as formerly provided in the complaint, the following should be included with a Motion for Default Judgment:

- A statement in the motion on 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.
- An affidavit showing that the party against whom relief is sought is or is not in military service. (50 USC §3931)
- A proposed Default Judgment with 3 inches of blank space at the top of the first page to allow for the signature of the Clerk or Judge.

E-filers should use the CM/ECF event *Motion/Default Judgment* to file the Motion for Default Judgment with the court.