

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

_____, ss.
Docket No. _____

Location _____
Docket No. _____

Plaintiff

v.

**AFFIDAVIT AND REQUEST FOR
DEFAULT AND DEFAULT JUDGMENT**
M.R. Civ. P. 55

Defendant

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

Date: _____

Affiant

Personally appeared the above-named affiant and made oath to the foregoing affidavit.

Date: _____

Notary Public/Attorney at Law

REQUEST FOR DEFAULT AND DEFAULT JUDGMENT

The Plaintiff requests:

- (1) That the Clerk enter the default of _____, defendant.
- (2) (a) That judgment by default against the defendant, _____, be entered by the clerk in the sum of \$ _____, with interest and costs.
- (b) That judgment by default against the defendant, _____, be granted by the Court ex parte.
- (c) That judgment by default against the defendant, _____, be granted by the Court upon notice to the defendant or his representative and hearing.

Date: _____

(Attorney for) Plaintiff

(Address)

ENTRY OF DEFAULT

The defendant, _____ has failed to plead or otherwise defend this action, and Defendant's default is entered.

Date: _____, 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: _____, 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: _____

Judge / Justice

A true copy, Attest: _____
Clerk