

STEPS FOR FILING A DEFAULT:

1. Fill out Application for Default
2. Fill out Motion Cover Sheet
3. Fill out **top** of Certificate of Commissioner form
4. Filing fee is \$50 **unless** hardship affidavit is approved.
5. Next day or at a later date, bring in the testimony that you prepared and has been notarized by your Commissioner (NOTARY) with the **bottom** of the Commissioner form filled out.

******HELPFUL NOTES FOR PREPARING YOUR TESTIMONY******

1. Your age and the other party's age.
2. Where you live and for how long; and the same information for the other party.
3. Whether or not there has been any child(ren) born of your marriage (or case, if involved) and if so, the child(ren)'s name, age, and date of birth.
4. The date and place where you and the other party were married (if divorced).
5. The details concerning what problems were experienced in the marriage to support your claim that you and the other party are incompatible, such as arguments, different views, goals, interests in life, etc. **It is not sufficient to just say that you and the other party are incompatible and can't live together. If that is all that is said, the judges are required by law to deny the divorce.**
6. Your position on what you think would be reasonable under the evidence in your case to be divorced.

The testimony MUST be notarized by the Commissioner that was appointed.

IF YOU HAVE ANY MORE QUESTIONS, YOU WILL NEED TO CONSULT AN ATTORNEY.

STATE OF ALABAMA

Circuit Court of Madison County

TO: _____
of the County of Madison, State of Alabama – Greeting:

KNOW YOU, that we in confidence of your prudence and fidelity, do hereby Commission, authorize and require you to call and cause to come before you at such time as you may appoint _____, Witness of part of the _____ in a cause now pending in the Madison County Circuit Court, wherein _____ is the Plaintiff and _____ is the Defendant and after said witnesses have been duly qualified, examined orally, and their dispositions so taken from under your hand and seal sent to our Circuit Court at the present term thereof, to be read in evidence on the trial of said cause.

Witness, DEBRA KIZER, Clerk of said Court, at office in Huntsville, this the ____ day of _____, in the year of our Lord two thousand and _____.

Clerk, Circuit Court

CERTIFICATE OF COMMISSIONER

I, _____, the Commissioner name in the annexed commission, hereby certify that the evidence of the witness _____ under oath, was written down by me, and subscribed by _____ in my presence at _____ on the ____ day of _____, 20____, and that I have personal knowledge of the personal identity of said witness, and that I am not of counsel or kin to any of the parties to the cause, or in any manner interested in the result thereof.

Given under my hand and seal, this the ____ day of _____, 20_____.

COMMISSIONER

SEAL