

APPLICATION AND AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

Case Number _____

IN THE _____ COURT OF _____, ALABAMA
(Circuit or District) (Name of County)

Plaintiff v. _____
Defendant

I, affiant, request that the clerk of court, or judge, pursuant to Rule 55(b), Alabama Rules of Civil Procedure (ARCP), enter a default judgment against the above - named defendant,* in the above case for the defendant's failing to plead, answer, or otherwise defend.

The affiant, _____, being duly sworn, states as follows:

1. That the affiant has personal knowledge of the facts set forth in the affidavit.
2. That the defendant was served with a summons and a copy of the Statement of Claim/Complaint on (date) _____.
3. That more than _____ days have elapsed since the defendant was served with a summons and a copy of the Statement of Claim/Complaint.
4. That the defendant has failed to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint.
5. That this affidavit is executed by the affiant in accordance with Rule 55(b), ARCP, for the purpose of enabling the plaintiff to obtain a default judgment against the defendant, for the defendant's failing to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint.
6. That the defendant is not an infant or an incompetent person, and there has been no violation of the provisions of Ala. Code 1975, Chapter 19, Title 5.
7. That the defendant is is not in military service.
8. Judgment Conditions: with without waiver of exemptions.
9. That the amount of money claimed by the defendant to the plaintiff is
 THE SUM OF \$ _____, which is to be determined as follows:
Principal Balance \$ _____
Interest \$ _____
Court Costs \$ _____
Attorney Fee \$ _____ (if requesting attorney's fees, it must be determined by the judge, not the clerk).

(If provided by contract, note or law)

SPECIFY PROPERTY (Describe, on a separate sheet of paper, property of which the plaintiff demanded right to possession from the defendant in the Statement of Claim/Complaint.)

10. The affiant requests entry of judgment: By the Court Name of Affiant: _____
 By the Clerk Signature of Affiant: _____

Sworn To and Subscribed Before Me This

Affiant's Home or Business Address (if not represented by an attorney):

Date: _____

City State Zip Code

Officer's Signature Title

Name of Attorney: _____

Signature of Attorney: _____

Business Address of Attorney: _____

City State Zip Code

Default judgment is hereby rendered against the defendant in the amount of \$ _____

Date Judge/Clerk

Default judgment is hereby rendered against the defendant and the plaintiff is awarded right to possession of the property sworn to in the affidavit above.

Date Judge/Clerk

CERTIFICATE OF SERVICE ON OTHER PARTIES

I hereby certify that a copy of this Application, Affidavit, and Entry of Default Judgment has been sent, by first class mail, postage prepaid, to all parties who are not in default in this case. Signed _____

Rule 55, ARCP

* Separate form shall be completed for each defendant in cases involving multiple defendants.

Pursuant to Ala. Code 1975, §12-19-71(a) (10), a filing fee is required when seeking a default judgment pursuant to Rule 55(b), ARCP.

Original - Court File

Copy - Plaintiff

Copy - Defendant