
NAME OF COURT

Address, City, State, and zip code

Your Name

Petitioner

- Against -

Your County District Attorney
Respondent

Jurisdiction: Court of Record, under
the rules of Common Law¹

Case no: _____

Magistrate:

AFFIDAVIT OF DEFAULT JUDGMENT

YOUR STATE)
) :SS²
YOUT COUNTY)

I, _____, Affiant, hereinafter petitioner, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

WHEREAS: on _____, 20__ petitioner filed a “Motion to Show Cause”; in the above stated court and served the respondent(s), _____ who has failed to plea and defend the above case. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings. Therefore a summary judgment for default is in order and,

¹ “A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

² An affidavit uncontested un rebutted unanswered stands as truth. - United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982.

THEREBY: law requires the court of origin to abate at law; and, release of restraint on both person and property.

Default Judgment - Entering a Default: *“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party’s default.”* FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243.

SEAL

In pro per

NOTARY

Your State, Your County on this ___ day of _____ 20__ before me, the subscriber, personally appeared Your Name to me known to be the living (wo)man described in and who executed the forgoing instrument and sworn before me that (s)he executed the same as their free will act and deed.

Notary