
NAME OF COURT

Address of court

Name

Petitioner

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

- Against -

Case no:

Name(s)

Respondent

**AFFIDAVIT FOR
DEFAULT JUDGMENT**

YOUR STATE)
) :SS²
YOUR 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 _____ 2019, 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. Thereby law requires the above said court 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*

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.

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.

NOTARY

In _____ State, _____ County, on this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, to me known to be the living (wo)man described herein, who executed the forgoing instrument and has sworn before me that (s)he executed the same as their free-will act and deed.

(Notary seal)

Notary

My commission expires: _____