
Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Plaintiff,
vs.

Defendant.

Case No. _____

MOTION AND AFFIDAVIT
FOR ENTRY OF DEFAULT
ON COUNTERCLAIM

Defendant moves this Court for Entry of Default on the grounds that the Plaintiff, having (a) received notice by personal service; or (b) been served by publication, has failed to appear within the time period for answering the Counterclaim in the above-entitled matter. This motion is made pursuant to Rule 55(a)(1) Idaho Rules of Civil Procedure and the pleadings filed herein.

I certify:

1. I am Defendant in this action.
2. Proof of service upon Plaintiff is on file in this case.
3. Plaintiff has failed to answer or defend the above-entitled matter as required by law within twenty-one (21) days of the date of service.
4. Plaintiff is mentally competent and over the age of eighteen (18) years.
5. Plaintiff is not in the uniformed services as defined by the Servicemembers Civil Relief Act of 2003; I know this because _____

_____. or

I am unable to determine whether Plaintiff is in the uniformed services as

defined by the Servicemembers Civil Relief Act of 2003. **or**

Plaintiff is in the uniformed services as defined by the Servicemembers Civil Relief Act of 2003, and has waived in writing Plaintiff's rights under the Act.

6. I certify the name of the Plaintiff is _____, and that the address most likely to give the Plaintiff notice of entry of judgment of default is (address):

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/printed

Signature