

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:

)	
)	Case No.
)	
Debtor(s).)	Chapter
_____)	
)	
)	
)	
Plaintiff(s),)	
)	
vs.)	Adv. Proc. No.
)	
)	
)	
)	
Defendant(s).)	

REQUEST FOR CLERK’S ENTRY OF DEFAULT AND DECLARATION

Pursuant to Fed. R. Bankr. P. 7055; Fed. R. Civ. P. 55, I hereby requests that the Clerk enter default against the Defendant:

As the docket sheet in this adversary proceeding reflects, the Defendant has failed to timely plead or otherwise defend this adversary action. In support of this request, I submit the following unsworn declaration under 28 U.S.C. § 1746:

DECLARATION

1. I am an attorney of record in this adversary proceeding and represent:

2. This adversary complaint was filed against the Defendant on:
3. The Clerk issues a summons for service on the Defendant on:
4. The summons and the complaint were timely served on the Defendant under Fed. R. Bankr. P. 7004 on:
5. The date the summons and the complaint were served on the Defendant was within 7 days of the summons being issued by the Clerk. If not previously filed with the Clerk, attached to this Request for Entry of Default is the Certificate of Service evidencing timely service of the complaint and summons upon the Defendant.
5. The time for filing an answer (as set forth in Fed. R. Bankr. P. 7012) to the complaint has passed, with no answer being filed by the Defendant, and with no extension of time to file an answer being filed with the Court under Fed. R. Bankr. P. 9006(b)(1).
6. To my knowledge, the Defendant has failed to otherwise defend this action.
7. Less than 90 days have elapsed since service of the summons and complaint upon the Defendant.
8. I have investigated the Defendant's military status. The details and result of my investigation is as stated below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

/s/ _____

Name:

Bar No.:

Address:

Tele. No.: