

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

IN RE:

)	
)	Case No.
)	
Debtor(s).)	Chapter
<hr style="width: 40%; margin-left: 0;"/>)	
)	
)	
)	
Plaintiff(s),)	
)	Adv. Proc. No.
vs.)	
)	
)	
)	
)	
Defendant(s).)	

REQUEST FOR CLERK TO ENTER DEFAULT JUDGMENT & DECLARATION

The above captioned Plaintiff(s), pursuant to Fed. R. Bankr. P. 7055; Fed. R. Civ. P. 55, hereby requests that the Bankruptcy Clerk enter default judgment against the Defendant:

In support of this Request, the Plaintiff states:

1. The Bankruptcy Clerk previously entered default against the Defendant for failure to plead or otherwise defend the Plaintiff's claims.
2. The Defendant has not made an appearance in this Adversary Proceeding.
3. The Defendant is not a minor or incompetent person. The Defendant is not the United States or an agent of the United States.
4. Default judgment resolves all the claims against the Defendant and results in a final, appealable judgment.

5. Damages are certain and do not exceed the amount requested in the Plaintiff's Adversary Complaint. Attached is a Declaration submitted under penalty of perjury detailing the amount due to the Plaintiff by the Defendant.

6. Entering default judgment is purely a ministerial act.

7. The Defendant is not protected by the Servicemembers and Civil Relief Act, 50 U.S.C. § 501 et seq.

WHEREFORE, the Plaintiff requests that the Clerk enter default judgment against the Defendant in the amount of:

\$ principal,

\$ interest, and

\$ costs

\$ Total Amount of Judgment to be Entered by Default

/s/ _____

Name:

Bar No.

Address:

Tele No.

DECLARATION

In support of this request, I submit the following unsworn declaration under 28 U.S.C. § 1746:

1. I am the attorney of record for the Plaintiff, and have personal knowledge of the facts set forth in this Declaration.

2. The Clerk previously entered default against the Defendant for failure to plead or otherwise defend the Plaintiff's claims.

3. The amount owed the Plaintiff by the Defendant is: \$

This amount does not exceed the request for relief in the Plaintiff's Complaint, and is calculated as follows:

4. 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.:

CERTIFICATE OF SERVICE

I hereby certify that on this day of , , a true and accurate copy of the foregoing Request for Clerk to Enter Default Judgment & Declaration, was served by me upon the named Defendant(s) as follows:

/s/ _____

Name:

Bar No.:

Address:

Tele. No.:

Served upon: