

DISTRICT COURT

APPLICATION TO CLERK FOR ENTRY OF DEFAULT

Plaintiff	Civil Action File Number
Defendant	

<input type="checkbox"/> Murray Judicial Complex 2 nd Division District Court 45 Washington Square Newport, Rhode Island 02840-2913 (401) 841-8350	<input type="checkbox"/> Noel Judicial Complex 3 rd Division District Court 222 Quaker Lane Warwick, Rhode Island 02886-0107 (401) 822-6750
<input type="checkbox"/> McGrath Judicial Complex 4 th Division District Court 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 (401) 782-4131	<input type="checkbox"/> Garrahy Judicial Complex 6 th Division District Court One Dorrance Plaza Providence, Rhode Island 02903-2719 (401) 458-5400

The Plaintiff in the above-entitled action pursuant to Rule 55(a) of the Rhode Island District Court Rules of Civil Procedure hereby makes application to the Clerk for Entry of Default for the Plaintiff against the Defendant for failure of said Defendant to plead or otherwise defend.

Said failure of the Defendant to plead or otherwise defend is set forth in the affidavit immediately following this application.

/s/ _____ Attorney for the Plaintiff or the Plaintiff	Rhode Island Bar Number:
	Date:
Telephone Number:	

DISTRICT COURT

AFFIDAVIT

The undersigned, being duly sworn, upon oath deposes and says:

- 1. That I am the Plaintiff and have personal knowledge of the facts set forth in this affidavit;
- 2. That the Plaintiff on the _____ day of _____, 20____, filed in this action a Complaint against the Defendant;
- 3. That examination of the court’s records in this action shows that the Defendant was duly served with a copy of the Summons and a copy of the Plaintiff’s Complaint;
- 4. That more than _____ days have elapsed since service of the Summons and Complaint;
- 5. That the Defendant has failed to plead or otherwise defend as to the Plaintiff’s Complaint;
and
- 6. That this Affidavit is executed by the affiant herein in accordance with Rule 55(a) of the Rhode Island District Court Rules of Civil Procedure for the purpose of enabling the Plaintiff to obtain an Entry of Default against the Defendant for failure to plead or otherwise defend as to the Plaintiff’s Complaint.

Signature of the Plaintiff

State of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ personally known to the notary or proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____
My commission expires: _____
Notary identification number: _____

DISTRICT COURT

AFFIDAVIT AS TO MILITARY SERVICE AND COMPETENCY

The undersigned, being duly sworn, upon information and belief deposes and say:

That the Defendant is not an infant or an incompetent, and presently resides at _____ in _____, Rhode Island; and **[PLEASE CHECK THE APPLICABLE BOX]**

That the Defendant was not at the commencement of the above-entitled action, nor is now, in the “Military Service” of the United States as defined in the Servicemember’s Civil Relief Act, 50 App. U.S.C. § 521, nor is the Defendant an American citizen serving with the forces of a United States ally or a reservist/draftee called to active duty; **or**

That despite exercising due diligence, the Plaintiff lacks sufficient information and has been unable to determine whether the Defendant is in “Military Service.”

Signature of the Plaintiff

State of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ personally known to the notary or proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____
My commission expires: _____
Notary identification number: _____

ENTRY OF DEFAULT

It appearing that the Defendant in the above-entitled case has failed to plead or otherwise defend as provided by the Rhode Island District Court Rules of Civil Procedure, now therefore DEFAULT is hereby entered for the Plaintiff and against the Defendant.

Date of Entry of Default	Clerk /s/ _____
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