

\_\_\_\_\_
Full Name of Party Filing Document

\_\_\_\_\_
Mailing Address (Street or Post Office Box)

\_\_\_\_\_
City, State and Zip Code

\_\_\_\_\_
Telephone

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

STATE OF IDAHO )
) ss.
County of \_\_\_\_\_)

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 swear under oath:

- 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 (20) 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 \_\_\_\_\_

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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)

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Date: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant

SUBSCRIBED AND SWORN before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
Commission Expires \_\_\_\_\_