
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 SECOND JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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 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 _____

_____. **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) _____

_____.

Date: _____

Signature

STATE OF IDAHO)
) ss.
County of _____)

SUBSCRIBED AND SWORN before me on this _____ day of _____

Notary Public for Idaho
Residing at _____
Commission expires _____