

Affidavit for Default Judgment

Use this form when:

You are the Plaintiff (or Counter Plaintiff).

- Prepare this form in advance of your Court hearing date if you believe the Defendant will not appear at the Court hearing even after receiving notice of the hearing.
- Submit the form to the Court at the hearing if the Defendant has been properly served your Notice of Claim but does not appear in court for this Court hearing date.

This form has both an Affidavit for Default Judgment and an Order.

→ You must fully complete the Affidavit for Default Judgment.

→ You must complete only the top half of the Order for Default Judgment.

Print both forms and bring with you on your court date. If the defendant does not appear in Court after being properly served, you may ask for a Default Judgment to be entered in your favor.

SCROLL DOWN FOR Affidavit for Default Judgment

AFFIDAVIT FOR DEFAULT JUDGMENT

TIPPECANOE SUPERIOR COURT No. 4
Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

CAUSE NO. 79D04-_____ -PL/SC-_____
CAUSE NO. 79D04-_____ -_____ -_____

Plaintiff 1 _____ **Defendant 1** _____
Address _____ Address _____
Address _____ Address _____
City _____ State _____ Zip _____ City _____ State _____ Zip _____
Telephone (_____) _____ Telephone (_____) _____
Email _____ Email _____

Plaintiff 2 _____ **Defendant 2** _____
Address _____ Address _____
Address _____ Address _____
City _____ State _____ Zip _____ City _____ State _____ Zip _____
Telephone (_____) _____ Telephone (_____) _____
Email _____ Email _____

AFFIDAVIT FOR DEFAULT JUDGMENT
[against an individual only, not a corporation or other business entity]
[Attach Order]

Comes now Affiant, and states: I am the Plaintiff OR a designated full-time employee of the Plaintiff. I am of adult age and fully authorized by the Plaintiff to make the following representations. I swear (or affirm) under penalties for perjury, as specified in I.C. 35-44-2-1, the information herein is true and accurate to the best of my knowledge and belief:

1. The Defendant(s) in this case was/were served with a copy of the Notice of Claim in this case and has/have failed to appear for trial at the time and place listed in the Notice of Claim or for any continuances.

2. The Defendant(s) is/are not a minor, is/are not incompetent and is/are not under a legal disability and has sufficient understanding to realize the nature and effect of the Notice of Claim. The Defendant(s) read, write and understand the English language with sufficient proficiency. The basis of my knowledge of these facts is:

- I know the Defendant(s) and of my own personal knowledge, I am aware these facts to be accurate.
- I have inquired about these matters and received information from _____ who does personally know the Defendant(s) and has told me these facts to be accurate.

3. For purposes of complying with the Soldiers and Sailors Civil Relief Act of 1940, 50 U.S.C. Sec. 520, the Defendant(s)

- Is/are not on active duty military service and this statement is based on a search of Servicemembers Civil Relief Act website (https://www.dmdc.osd.mil/appj/scra/single_record.xhtml)
- Is/are not on active duty military service and this statement is based on _____.
- I am not able to determine if the Defendant(s) is/are on active duty military service.

4. I have a prima facie case. There are no set-offs or counterclaims in favor the Defendant(s) against the Plaintiff(s).

5. There is due and owing to the Plaintiff(s) and by the Defendant(s) the following and the Plaintiff(s) respectfully requests the Court enter a default judgment for:

Damages	\$ _____	TOTAL	\$ _____
Prejudgment Interest	\$ _____		
Attorney Fees	\$ _____	PLUS Court Costs	\$ _____
Other Fees	\$ _____	<input type="checkbox"/> Plaintiff requests post judgment interest (8%)	

_____, 20_____
Date

Signature of Affiant

ORDER FOR DEFAULT JUDGMENT

TIPPECANOE SUPERIOR COURT No. 4
Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

CAUSE NO. 79D04-_____ **-PL/SC-**_____
CAUSE NO. 79D04-_____ - _____ - _____

Plaintiff 1 _____	Defendant 1 _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

Plaintiff 2 _____	Defendant 2 _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

ORDER FOR DEFAULT JUDGMENT

Comes now the Plaintiff(s) in person. The Defendant(s) fail to appear at the time and place specified in the Notice of Claim or for any continuance thereof. Service of Notice of Claim was had under such circumstances as to establish a reasonable probability that the Defendant(s) received such Notice.

The Court now enters a default judgment against the Defendant(s) and in favor of the Plaintiff(s) in the TOTAL amount of \$_____ plus Court Costs of \$_____. This judgment shall be payable in full within thirty (30) days of the date of this Order.

SO ORDERED:

Date

Mathew S. Sandy, Judge
Tippecanoe Superior Court 4

COPY: Plaintiff Attorney for plaintiff Defendant Attorney for defendant

IMPORTANT INFORMATION ABOUT THIS DEFAULT JUDGMENT

(1) Under Small Claims Rule 10, the Defendant(s) has/have up to one (1) year from the date of this default judgment to file a Verified Motion to Set Aside and Vacate Default Judgment. This form is available at the Court office or on the website.

(2) If more than one (1) year has passed from the date this default judgment was entered, the Defendant must file an independent action as provided in Trial Rule 60(B). In such case, the Court recommends the Defendant consult with an attorney.

(3) If the Motion is granted, the default judgment will be vacated or canceled and the original claim will proceed either to a trial on the merits or a judgment entered as agreed to by the parties as if this default judgment had never been entered.

(4) If the Defendant(s) does/do not disagree with the judgment, payments may be made in person at the Office of the Clerk of Tippecanoe County, Courthouse, Second Floor, Lafayette, Indiana (cash or money order only) or by mail to P.O. Box 1665, Lafayette, IN 47902 (money order only). Personal checks are not accepted for payment. Please include the cause number for this case when paying either in person or by mail.