

**IN THE COUNTY COURT OF      COUNTY, MISSISSIPPI**

**PLAINTIFF**

**VS.**

**CAUSE NO.**

**DEFENDANT**

**APPLICATION FOR ENTRY OF  
DEFAULT AND SUPPORTING AFFIDAVIT**

COMES NOW the Plaintiff,                      , by and through its attorney of record herein, and requests the Clerk, pursuant to Rule 55(a), Mississippi Rules of Civil Procedure, to enter default against the Defendant,                      , in the above entitled action for failure to plead, answer or otherwise defend as set forth in the Affidavit attached hereto.

Respectfully submitted,

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Attorney for

Of counsel:

Telephone:  
MSB #  
Attorney for

**IN THE COUNTY COURT OF      COUNTY, MISSISSIPPI**

**PLAINTIFF**

**VS.**

**CAUSE NO.**

**DEFENDANT**

**AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT**

STATE OF MISSISSIPPI)

COUNTY OF    )

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named      , who, having first been duly sworn by me, stated on oath the following:

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

2. A copy of the Summons, together with a copy of the Complaint, was served upon the Defendant by certified mail, restricted delivery, return receipt requested on      , 20      . Pursuant to Rule 4(d)(1)(B), Mississippi Rules of Civil Procedure, service of process was deemed complete on Defendant on      , 20      .      filed an Entry of Appearance of Counsel on behalf of Defendant on      , 20      .

3. That more than thirty days have elapsed since the date on which the said Defendant was served with Summons and a copy of the Complaint.

4. That the Defendant has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve a copy of any Answer or other defense which he might have upon the undersigned attorney of record for the Plaintiff.

5. That this Affidavit is executed by affiant herein in accordance with Rule 55(a), Mississippi Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default against the Defendant for his/her failure to answer or otherwise defend as to the Plaintiff's Complaint.

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SWORN TO AND SUBSCRIBED BEFORE ME, this the      day of      , 20      .

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NOTARY PUBLIC

My Commission Expires:

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IN THE COUNTY COURT OF      COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

MOTION FOR DEFAULT JUDGMENT

COMES NOW the Plaintiff,      , by and through its attorney of record herein, and moves the Court, pursuant to Rule 55(b), Mississippi Rules of Civil Procedure, for default judgment, and in support thereof would show unto the Court the following:

1.

A Summons, together with a copy of the Complaint, was served upon the Defendant, ("      "), by certified mail, restricted delivery, return receipt requested, on      ,      . Pursuant to Rule 4(d)(1)(B), Mississippi Rules of Civil Procedure, service of process was deemed to be complete on Defendant on      , 20      . Defendant have totally failed or refused to answer or otherwise defend.

2.

    , Esquire ("      ") filed an Entry of Appearance of Counsel on behalf of Defendant on      ,      . By letter dated      , 20      ,      notified attorney for Plaintiff that he/she no longer represented      that he/she would make no further appearance and that Membreno had retained      , Esquire ("      ") to represent him/her. A copy of said letter is attached hereto as Exhibit "A". By letter dated      ,      informed attorney for Plaintiff that he/she did not represent      . A copy of said letter is attached hereto as Exhibit "B".

3.

That on the      day of      , 20      , the Clerk of this Court, after reviewing the Application for Default and the supporting Affidavits, docketed entry of default judgment against the Defendant.

4.

Pursuant to Rule 55(b), Mississippi Rules of Civil Procedure, Plaintiffs are entitled to a Default Judgment for Defendants' failure to answer or otherwise defend.

5.

That the claim in the Complaint is for a sum certain, or a sum that can be made certain by computation, thus, judgment should be entered without the necessity of a further hearing.

WHEREFORE, PREMISES CONSIDERED, Plaintiff moves the Court to enter a default judgment against the Defendant in the amount prayed for in the Complaint, plus interest, and for such other relief as the Court may deem necessary and appropriate.

Respectfully submitted,

By: \_\_\_\_\_

ATTORNEY FOR PLAINTIFF

OF COUNSEL:

[FIRM NAME AND ADDRESS]

COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

## ENTRY OF DEFAULT

Upon consideration of Plaintiff's Application for Entry of Default, along with the supporting Affidavit, both being in compliance with Rule 55(a), Mississippi Rules of Civil Procedure, it is hereby determined that a copy of the Summons, together with a copy of the Complaint, was served upon the Defendant on \_\_\_\_\_, 20\_\_\_\_. Pursuant to Rule 4(d)(1)(B), Mississippi Rules of Civil Procedure, service of process was deemed complete on Defendant on \_\_\_\_\_, 20\_\_\_\_. The Defendant has failed to plead, defend or otherwise respond to this action. THEREFORE, default is hereby entered against \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

, CIRCUIT CLERK  
COUNTY, MISSISSIPPI

By: \_\_\_\_\_ D.C.

IN THE COUNTY COURT OF                      COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

DEFAULT JUDGMENT

THIS ACTION came on for hearing on the motion of the Plaintiff for a Default Judgment pursuant to Rule 55(b), Mississippi Rules of Civil Procedure, and the Defendant having been duly served with Summons and Complaint and not being an infant or unrepresented incompetent person and having failed to plead or otherwise defend, and default having been duly entered and the Defendant having taken no proceedings since such default was entered, and the Court having considered and determined the damages which are a sum certain; the Court finds that it has jurisdiction of the parties and subject matter of this cause, and further finds that Plaintiff is entitled to judgment against the Defendants in the sum of \$                      , together with prejudgment and post judgment interest thereon at the rate of                      percent (                      %) per annum, plus reasonable attorney's fees in the amount of \$                      and all costs of Court.

IT IS HEREBY, ORDERED AND ADJUDGED, that the Plaintiff does have and recover of and from the Defendant the total principal sum of \$                      , together with prejudgment and post judgment interest thereon at the rate of                      percent (                      %) per annum, plus reasonable attorney's fees in the amount of \$                      and all costs of Court, for all of which let execution issue.

SO ORDERED AND ADJUDGED, this the                      day of                      , 20                      .

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COUNTY COURT JUDGE