

Case No. _____

Plaintiff

v.

Defendant

**AFFIDAVIT:
DEFAULT JUDGMENT**

W. Va. Code §50-4-10, Mag. Civil Rule 10

STATE OF WEST VIRGINIA

COUNTY OF _____, TO-WIT:

This day _____ appeared before me, and on his or her oath or affirmation says:

1. I am the plaintiff in the above-styled action against the defendant _____
2. That on the _____ day of _____, 20_____, the defendant was served with the summons and complaint, as shown by the return of service affixed to the original summons in this case or by _____
3. That the defendant has failed to appear or to answer the complaint or to notify the court of intent to contest the case within the time provided in Rule 4 of the Rules of Civil Procedure for Magistrate Courts.
4. That the claim in the case is (*check one*):
 - a. For the amount of \$ _____, as alleged due and owing in the complaint and is still due and owing; or
 - b. For the amount of \$ _____, which is the amount of \$ _____ as alleged in the complaint reduced by the amount of \$ _____ paid since the suit was instituted; or
 - c. For an amount that can be computation be made certain.
5. That the defendant (*check one*):
 - a. Is not an incompetent person, infant or incarcerated convict; or
 - b. Is an incompetent person, infant or incarcerated convict who is represented by a guardian, committee or guardian ad litem.
6. That the following represents the military status of the defendant (*check one and complete as appropriate*):
 - a. I have determined that the defendant is not in the military service based on the following facts:

or

b. I am not able to determine whether or not the defendant is in the military service.

or

c. The defendant is in military service.

WHEREFORE, I request this Court to enter judgment against the defendant by awarding me the amount claimed plus interest and costs and, if applicable, \$ _____ for certified mail expenses.

Plaintiff's Signature

Taken, subscribed, and sworn or affirmed before me this _____ day of _____, 20 ____.

My Commission expires on _____

Notary Public/Magistrate Assistant/Magistrate Clerk

