

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

Plaintiff,
v. _____
Defendant. *[If there are multiple defendants in the case, **only** include here the name of the defendant you are asking for a default against.]*

Case No. _____

DEFAULT APPLICATION

There are two steps to getting a default judgment.

Step 1: Ask for an **Entry of Default** for each defendant who has not filed an answer.

Step 2: Get a **Default Judgment** for all defaulted defendants in Step 1.

File a **separate application** in Step 1 for **each defendant** who has not either filed an answer to your complaint **or** been dismissed from the case. This will result in an entry of default, however, the court will usually not enter a default **judgment** (Step 2) until claims against all of the defendants are resolved. A claim can resolve if the defendant has an entry of default, if you and the defendant reach an agreement and have the court sign off on that agreement, if the case is dismissed against a defendant, or by judgment after trial.

Application

I request that the court grant an **entry of default** against the defendant named above for failure to appear and respond to this action. Civil Rule 55.

Affidavit

- I served the defendant named above with the *Summons* and *Complaint* more than 20 days ago. I attached one of the following as proof of service:
 - A *Return of Service* from the process server
 - The **original** green certified mail card *[Tape to a separate piece of paper.]*
 - A copy of *Clerk's Certificate of Service of Posting to the Alaska Court System's Legal Notice Website* (form [TF-815](#))
 - Other: _____
- The defendant named above did not file an *Answer* or any other document with the court.
- Is the defendant named above under age 18?
 - No.
 - Yes. Has the defendant been legally emancipated?
 - Yes.
 - No. Did you also serve the defendant's legal guardian or attorney with all documents listed above?
 - Yes. I attached proof of service on the defendant's legal guardian or attorney.
 - No. Explain why not: _____

4. Does the defendant named above lack the mental ability to manage the defendant's own business and legal affairs?

No.

Yes.

Did you serve the defendant's legal guardian, conservator, attorney, or other representative with all documents listed above?

Yes. I attached proof of service on the defendant's representative.

No. Explain why not: _____

5. Is the defendant named above in the U.S. Armed Forces?

[See [Servicemembers Civil Relief Act \(SCRA\) website](#) to look up military status.]

No. I know this, because: _____

I looked on the U.S. Department of Defense Servicemembers Civil Relief Act website.

Other: _____

I don't know. I tried to find out by:

[State what you did to determine if the opposing party is in the military.]

6. Is this a contract case?

No. Yes. If yes, fill out both A and B below:

A. The original contract that led to this case

was attached to the *Complaint* that I filed.

is attached to this document.

is not attached, but a copy is, because:

[Explain why you don't have the original contract.]

B. I am the person who entered the contract.

I bought the debt and attach the following documents to prove I own the debt:

7. I request the court order the Defendant to pay me the following:

PRINCIPAL in the amount of: \$ _____

[This is the main amount owed. It can't be more than you asked for in your Complaint.]

PRE-JUDGMENT INTEREST

I do not request pre-judgment interest.

I request pre-judgment interest in the amount of: \$ _____

I request pre-judgment interest starting on the

date the defendant was served the *Complaint* and *Summons*.

following date: _____. I attached the following documents showing that this is an appropriate due date: _____

I request an interest rate of _____%¹ based on:

Alaska's pre-judgment interest rate.

Page _____ of our contract, which I attached.

Other: _____

¹ For help determining interest rates: <https://public.courts.alaska.gov/web/forms/docs/adm-505.pdf>

- COSTS:** *[Attach documents showing your costs.]*
- Filing Fee \$ _____
- Service of Process \$ _____
- Other: _____ \$ _____
- TOTAL COSTS: \$ _____
- ACTUAL ATTORNEY FEES** \$ _____
- [Civil Rule 82(b)(4) determines the amount of attorney fees that will be awarded.]*
- TOTAL:** \$ _____
- POST-JUDGMENT INTEREST** at the rate of: _____ %² based on:
- Alaska's pre- and post-judgment interest rate.
- Page _____ of our contract, which I attached.
- Other: _____

8. I have included the following documents with this *Default Application*:
- Entry of Default, CIV-856 - REQUIRED.* *[This form is included on the next page of this form packet. The clerk may sign the Entry of Judgment after seven days have passed once the Default Application is served.]*
- Default Judgment, CIV-857 – REQUIRED* once the court has addressed the claims against **all** defendants. *[This form is included on the last page of this form packet. The judge will sign your proposed Default Judgment if it is granted.]*
- Other: _____
9. Before filing this application, I served the opposing party and completed the *Certificate of Service* below.

Full Mailing Address: _____

Phone: _____ Email* _____

* I authorize the court to email me court documents in this case to the email address above.

I swear or affirm that the facts listed above are true to the best of my knowledge.

Your Signature

Subscribed & sworn to or affirmed before me at _____, Alaska on _____.

Court clerk, notary public, or other person
authorized to administer oaths.

My commission expires: _____

(SEAL)

Certificate of Service

I certify that on _____ *[date]*, a copy of this application and all attachments were

mailed hand-delivered to: Defendant/Defendant's lawyer: _____

Other: _____

Your signature: _____

² For help determining interest rates: <https://public.courts.alaska.gov/web/forms/docs/adm-505.pdf>

