

DEFAULT WORKSHEET

Parties: _____

Case Number: _____

Default Elements	Yes	No
Is Rule 55 applicable to the Party: Plaintiff, Third Party Plaintiff, Counter Claimant, or Cross Claimant? R.55(a)(1) and 55(d)		
Has the non-movant made an appearance in the case? R. 55(a)(1)		
If Yes, did the claimant serve non-movant with Three Day Written Notice of Intent to Take Default? 55(a)(1)		
If No, did the claimant show, by affidavit or otherwise, that the party against whom a judgment for affirmative relief is sought has failed to plead, defend, or otherwise appear in the case? 55(a)(1)		
Is Application for Default filed before the expiration of the time allowed by the Rules for appearance or defense?		
If Yes, did the non-moving party execute a waiver under oath waiving the permitted time, refusing to plead further, and consenting to the default?		
OR, if Yes, did the Court enter an order shortening time for appearance or defense based on good cause shown by affidavit or testimony of the moving party?		
Is Entry of Default appropriate?		
Default Judgment Requirements		
Did the claimant request a Default Judgment?		
Did the Defendant appear in the action?		
If Yes, did the moving party serve Defendant with written notice of the application for entry of default at least three days prior to the request for default? 55(b)(2)		
Has the Defendant been defaulted for failure to appear? 55(b)(1)		
Has the Defendant been personally served in this action? 55(b)(1)		
If No, has the Court reviewed the method of service upon the defendant and approved? 55(b)(2)		
Is the Defendant an infant or incompetent person? 55(b)(1)		
If Yes, is the infant or incompetent represented by a general guardian or other representative? 55(b)(2)		
Is the default judgment sought against the State of Idaho or an officer, agency, or political subdivision thereof? 55(e)		
If Yes, did the claimant establish his claim or right by evidence satisfactory to the court? 55(e)		
In all other cases, is the claim for a fixed sum or a sum that can be made certain by computation? 55(b)(1)		
If yes, did the claimant file an affidavit establishing the amount due showing the method of computation, together with an original instrument evidencing the claim? 55(b)(1) Calculate this yourself. Do not rely on the parties to provide correct figures.		
OR, did the Court permit the claimant to be excused from this requirement in Rule 55(b)(1)?		
Is it necessary to for the Court to take an account, determine the amount of damages, or establish the truth of any allegations by evidence or make an investigation of any other matter through a hearing or other action? 55(b)(2)		
Does the application for default judgment contain written certification of the name and address most likely to give the non-moving party notice of such default judgment? 55(b)(1)		
Is the judgment sought different in kind from, or does it exceed the amount prayed for in the demand for judgment in the Complaint? 54(c)		
If attorney fees are requested, does the Complaint state that the claimant is seeking attorney fees, and the dollar amount thereof if judgment is entered by default? 54(e)(4)		
Did Court review attorney fee and costs award subject to provisions of Rule 54(d) and (e)? 54(e)(4)		
Is a Default Judgment appropriate?		