

Checklist for Interpleader Default Judgment

Keep a copy of all documents for your records.
Attend all court hearings.

(1) Motion to Enter Default Judgment

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff or the attorney for the plaintiff.
- Complete the heading exactly as it appears in the Affidavit and Summons.
- Paragraph (2): Write the name of the defendant who failed to appear at the trial and that person is not a minor or an incapacitated person. (Default cannot be taken against a minor or an incapacitated person.) Check that the person was served with the Interpleader Affidavit and Summons.
- Paragraph (3): Check whether you are preceding under Paragraph (A), (B), or (C). Select only one.
 - (A): Write the name of the defaulting defendant. Check whether that person is the buyer or seller. If you select this option, you are electing to sue in district court for performance of the contract (sale of the real estate). Regardless whether you are the buyer or the seller, if you want the sale to proceed, the earnest money under the Real Estate Purchase Contract is returned to the buyer.
 - (B): Write the name of the defaulting defendant who is the buyer. If you select this option, you are the seller, and you are electing to recover damages in the amount of the earnest money under the Real Estate Purchase Contract.
 - (C): Write the name of the defaulting defendant who is the seller. If you select this option, you are the buyer, and you are electing to recover damages in the amount of double the earnest money under the Real Estate Purchase Contract. (The money you paid plus that amount as damages.)
- Paragraph (4): Write the amount of the earnest money agreement.
- Paragraph (5): Write the name of the defendant who appeared at the trial. Write, as appropriate, the amount of the earnest money under the Real Estate Purchase Contract (A) or (B) or double that amount (C).
- Omit any private or protected information. When filed, this document is a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Date and sign the form.

- Attach the Military Service Declaration
- Attach the proposed Military Service Order
- Attach the proposed Judgment
- File the forms with the judicial service assistant. If the other party is in default for failure to appear, you do not need to serve this document or its attachments. URCP 5.

(2) Military Service Declaration

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff or defendant or the attorney for the plaintiff or defendant.
- Complete the heading exactly as it appears in the Affidavit and Summons.
- Paragraph (1): check whichever box is true.
- Paragraph (2): describe the research you have done.
- Paragraph (3): If the Department of Defense Manpower Data Center has issued a certificate of the Defendant's military service status, check the box and attach the certificate. State the defendant's identifying information that you used in the Department of Defense Manpower Data Center research.
- Paragraph (4): describe how you know the identifying information to be true.
- Paragraph (5): check the box if the statement is true.
- Omit any private or protected information. When filed, this document is a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Date and sign the form.
- File the form with the Motion.

(3) Proposed Military Service Order

- Complete the heading exactly as it appears in the Affidavit and Summons.
- Do not complete the rest of the form. The judge will do this.
- File the proposed Order with the Motion.
- You must serve the completed Order on the other party after it is signed.

(4) Proposed Judgment

- Complete the heading exactly as it appears in the Affidavit and Summons.
- Do not complete the rest of the form. The judge will do this.
- File the proposed Judgment with the Motion.

- You must serve the completed Judgment on the other party after it is signed.

(5) Notice of Default Judgment

- After the judge signs the Military Service Order and the Judgment:
 - Complete a Notice of Default Judgment
 - Write your name and contact information at the top of the first page. Check whether you are the plaintiff or defendant or the attorney for the plaintiff or defendant.
 - Complete the heading exactly as it appears in the Affidavit and Summons.
 - Check "Plaintiff" or "Defendant," whichever is correct.
 - Date and sign the form.
 - Attach a copy of the signed Military Service Order and the signed Judgment
 - Serve the forms on the other party
 - Complete the Certificate of Service.
 - File the Certificate of Service with the judicial service assistant.