

[Proposed Amended]
Rule 7055-2

JUDGMENTS BY DEFAULT

When a defendant fails to respond after being timely served with a summons and complaint, cross-complaint, or third-party complaint, the plaintiff ~~shall~~must seek entry of a Clerk's default and a default judgment as follows:

(a) ***Motion for Entry of Clerk's Default.*** Motions for entry of Clerk's default ~~shall~~must be filed no later than 60 days after the complaint is filed and:

(1) state that timely service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure and that the defendant failed to file a responsive pleading or motion before the expiration of the time specified or any extension of time obtained; and

(2) where applicable, include a sworn statement of non-military service based upon personal knowledge or a certification from the Servicemembers Civil Relief Act Centralized Verification Service that the defendant is not on active military duty.

(b) ***Motion for Judgment by Default.*** Motions for judgment by default ~~shall~~must include a sworn statement supporting the allegations of the complaint, cross-complaint, or third-party complaint, and be accompanied by:

(1) a proposed order granting motion for judgment by default; and

(2) a proposed judgment.