
YOUR TOWN/CITY/VILLAGE COURT

Address, City, State, Zip

Your Name

Petitioner

- Against -

Town Court Prosecutor Name

Respondent

Jurisdiction: Court of Record, under
the rules of Common Law¹

Case no: SEE TICKET ATTACHED

Judge: _____

AFFIDAVIT OF DEFAULT

YOUR STATE)
): SS
YOUR COUNTY)

I, **Your Name**, Affiant, hereinafter petitioner, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

WHEREAS: on **Date** Petitioner filed a Notice of Motion challenging Jurisdiction in the above said Court and served the Respondent, City/Town/Village Prosecutor who have failed to plea and defend the above said case. The record shows that the Prosecutor made no Return, nor requested more time to answer, nor provided any objection to the proceedings. Therefore, a summary judgment for default is in order

Default Judgment - Entering a Default: *“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party’s default.”* FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243; and NY. CPLR §3215.

SEAL

Your Name, plaintiff

NOTARY

Your State, Your County on this ___ day of _____ 20__ before me, the subscriber, personally appeared **Your Name** to me known to be the living (wo)man described in and who executed the forgoing instrument and sworn before me that (s)he executed the same as their free will act and deed.

Notary

¹ “A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” Blacks Law; Quoting Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.