JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR _____COUNTY

COURT NO. _____

COURT ADDRESS

_____

_____

CIVIL ACTION NO _____

PLAINTIFF(S) **VS.** **DEFENDANT(S)**

_____ _____

_____ _____

STATEMENT OF PLAINTIFF IN SUPPORT OF DEFAULT JUDGMENT

TO OBTAIN A DEFAULT JUDGMENT, PLAINTIFF MUST COMPLETE THIS FORM, **HAVE IT NOTARIZED**, AND RETURN IT TO THE JUSTICE OF THE PEACE COURT NAMED ABOVE.

I am the Plaintiff in this action and have personal knowledge of the facts in the claim.

This action is for (check one)

☐ A claim based upon Defendant's written promise to pay the amount claimed below. (Attach document containing the promise to pay).

☐ A civil penalty for a mandatory amount specified in the statute as payable to the State or a state agency.

☐ Other (for example, claims not in writing or statutory penalties in which there are no mandatory dollar amounts or which are not payable to the State or a state agency).

Plaintiff claims the following <u>which were listed in the original complaint</u>:

1. Amount of money claimed (this may be reduced from the amount in the complaint but may <u>not</u> be increased)	$
2. Pre-judgment Interest calculated at the rate of _____% Beginning _____,20____ to _____, 20___. (the date this form completed) (Attach copy of contract)	$
3. Court Costs	$
4. Attorney Fees (Attach attorney fee affidavit and evidence of authority of collection of attorney fees)	$
5. Other:	$
6. Post Judgment Interest will accrue at the legal rate unless: ☐ Waived OR ☐ At Contractual rate (Attach copy of contract)	%
7. <u>REPLEVIN ACTIONS ONLY</u> Return of the following property or total value (Attach list of property stating description, number and value of items on 8 1/2" X 11" paper)	$

I hereby attest under penalty of perjury that the foregoing information is true and correct to the best of my knowledge and belief and that the Defendant is not in the military service as defined by the Servicemembers' Civil Relief Act, nor is the Defendant under the age of eighteen or incompetent.

_____ _____

Date Signature of Plaintiff

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____

_____

Notary Public/Court Official

COURT USE ONLY	☐ Approved ☐ Partially Approved: _____ _____ _____	_____ Justice of the Peace Date

INSTRUCTIONS

No answer has been received by the Court from the Defendant within the proper time period. Upon return of **completed** "Statement of Plaintiff in Support of Default Judgment" to the Court, a default judgment will be entered, unless additional information is needed by the Court. Plaintiff should note that this form must be **NOTARIZED**, that the amount of money claimed may not exceed the amount claimed in "Complaint", that pre-judgment interest, attorney's fees or other claims may not be included in the judgment unless requested in the complaint. Pre-judgment interest amount must be calculated by the Plaintiff in order to be included in the judgment.

Attorney's fees are recoverable only on notes, invoices, or other written documents where payment of attorney's fees is expressly provided for in the document. 10 *Del.C.* § 3912. However, no provision in a residential rental agreement providing for the recovery of attorney's fees by either party in any proceeding arising from the tenancy is enforceable. 25 *Del.C.* § 5111. Where fees may be obtained, they can not be more than 20% of the judgment.

Plaintiff will not usually need to appear at the Court to obtain a default judgment. If the Court has questions concerning the information provided by the Plaintiff, the Court may schedule a hearing prior to entering judgment. If the Defendant is in the military as defined by the Service members' Civil Relief Act or if the Plaintiff cannot determine the Defendant's military status, the Plaintiff will need to request a hearing. The Plaintiff should contact the Defense Data Manpower Data Center (1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593 or make the request online at https://scra.dmdc.osd.mil if the Defendant's military status is unknown.

If the Plaintiff fails to file "Statement of Plaintiff in Support of Default Judgment," the case will be dismissed by the Court, on its own motion, one year after the last docket entry.

Any questions should be directed to the Court at the above address.

(IF THE CLAIM IS BASED UPON A WRITTEN CONTRACT OR IF PRE-JUDGMENT OR POST-JUDGMENT INTEREST IS DEMANDED AT A CONTRACTUAL RATE ABOVE THE CURRENT LEGAL RATE, A COPY OF THE CONTRACT ON WHICH THE CLAIM IS BASED MUST BE SUBMITTED WITH THIS FORM).