

Instructions for Affidavit of Default Form

An Affidavit of Default is a sworn statement telling the court that you served the Summons and Complaint on the Defendant and that he/she has not responded within 30 days after the completed service. Once 60 days have passed after service of the Summons, an Affidavit of Default is filed along with a Motion for Default Judgment.

- Complete the top portion of the Decree of Divorce (the “caption”) as it appears on the Summons and Complaint.
- Complete paragraph 2 by inserting the date that Defendant was served with the Summons.
- Read the other paragraphs carefully as you are signing this document under oath and the statements made in all the paragraphs **MUST BE TRUE. If the Defendant is in the military, you should consult with an attorney and YOU MUST INFORM THE JUDGE.**
- Date and sign the Affidavit of Default in front of a Notary Public.
- File the original Affidavit of Default along with your Notice of Intent to Take Default Judgment with the Clerk of Courts. You should send a copy of both to the Plaintiff.

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

IN CIRCUIT COURT
_____ JUDICIAL CIRCUIT

_____,
Plaintiff,

vs.

_____,
Defendant

DIV _____

AFFIDAVIT OF DEFAULT

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

Plaintiff, being first duly sworn on oath, states:

1. That I am the Plaintiff in this action.
2. That the Summons and Complaint were served on the Defendant on _____,
_____.
3. That more than 60 days have passed since service of the Summons and Complaint.
Defendant has made no answer, appearance or pleading and is in default.
4. That neither party is now, nor has been at any relevant time, a member of the military
service of the United States within the meaning of the Servicemember's Civil Relief Act of
2003.

Dated this _____, _____.

Plaintiff's Signature

(Sign only in front of a Notary or Clerk of Courts)

Sworn/affirmed before me this
_____ day of _____, _____.

(Notary Public/Clerk of Courts)

Name: (Printed) _____
Address: _____
City/State/Zip: _____
Telephone: (_____) _____

If Notary, my commission expires: _____
(SEAL)