

Instructions for Notice of Intent to Take Default Judgment

The Notice of Intent to Take Default Judgment is notice to the Defendant that a date has been set for trial in the divorce case and that he/she is in default for not responding to the Summons and Complaint within 30 days after the completed service. The Notice of Intent to Take Default Judgment along with the Affidavit of Default is mailed to the Defendant and filed with the Clerk of Courts.

- Complete the top portion of the Notice of Intent to Take Default Judgment (the “caption”) as it appears on the Summons and Complaint.
- Obtain a trial date from the Court Administrator’s office or the Clerk of Court (depending upon which county your action is filed in). Mark the appropriate box and fill in the blanks.
- Date and sign the Notice of Intent to Take Default Judgment.
- Mail a copy of the Notice of Intent to Take Default Judgment and Affidavit of Default to the Defendant by first class mail, properly addressed, with sufficient postage.
- Date and sign the Affidavit of Service by Mail in front of a Notary Public or Clerk of Courts.
- File the original Notice of Intent to Take Default Judgment along with the Affidavit of Default and the Affidavit of Service by Mail with the Clerk of Courts.

STATE OF SOUTH DAKOTA)
)
) :SS
COUNTY OF _____)

IN CIRCUIT COURT
_____) JUDICIAL CIRCUIT

<p>_____, Plaintiff, vs. _____, Defendant</p>	<p>DIV _____</p> <p>NOTICE OF INTENT TO TAKE DEFAULT JUDGMENT</p>
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TO: THE DEFENDANT IN THE ABOVE CAPTIONED MATTER:

PLEASE TAKE NOTICE that on the _____ day of _____, _____, at _____ .m. trial for Decree of Divorce (Default) will be held:

In the courtroom of the Honorable _____, Circuit Court Judge of the _____ Judicial Circuit, presiding, located at the _____ County Courthouse, in _____ County, _____, South Dakota.

OR

At the Court Administrator's office, _____ County Courthouse, _____, South Dakota.

More than sixty (60) days have elapsed since the service of the Summons and Complaint upon you and you have made no response to the Complaint, therefore you are in default.

Plaintiff is entitled to judgment against you as requested in the Complaint. The judgment will be based on the Complaint of the Plaintiff, and on all records, files and proceedings in this case, along with any additional testimony and evidence produced at trial.

Dated this _____ day of _____, _____, at _____
County, South Dakota.

Plaintiff's Signature

Name: (Printed) _____

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

IN CIRCUIT COURT
_____ JUDICIAL CIRCUIT

<p>_____, Plaintiff, vs. _____, Defendant</p>	<p>DIV _____</p> <p>AFFIDAVIT OF SERVICE BY MAIL</p>
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I, _____, being sworn, state that on
(Name of person who mailed documents)
_____, 20____, I served the Affidavit of Default and the
Notice of Intent to Take Default Judgment, by placing true copies of the documents in an
envelope addressed to: _____ at
(Name of other party)
_____, in the City of _____,
(Other party's address)
State of _____, Zip Code _____, and depositing the envelope,
with sufficient postage, in the United States Mail at _____.
(Place mailed from)

Dated _____, _____.

Signature of Person Who Mailed Documents
(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: (____) _____

(SEAL)