

## INSTRUCTIONS ON AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT FOR EVICTION

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us).

**When filing a Motion for Default Judgment, an Affidavit in Support will need to be filed as well. Follow the steps below to complete this form:**

- Fill in the caption.
- Number 2 is the date the tenant(s) was served with the Summons and Complaint. This can be found on the Affidavit of Service that was provided to you from the Sheriff or process server.
- Sign and date once in front of a Clerk or notary.

**\*Default Judgment can only be requested if the tenant(s) has been served and has failed to answer or appear within 5 days of service. Service does not include weekends or holidays.**

<p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT (FOR EVICTION)</b></p>
--	---

**COMES NOW** the above-named Plaintiff/Landlord, being first duly sworn upon his oath, and deposes and states:

1. I am the Plaintiff/Landlord in the above-entitled action.
2. The Defendant/Tenant(s) failed to vacate the premises.
3. A Summons and Complaint in this action were served on the Defendant/Tenant(s) by the Sheriff's Office on this date:\_\_\_\_\_.
4. The Defendant/Tenant(s) has not made, served, or filed any answer to said Summons and Complaint, nor has any such answer been made, served, or filed on behalf of said Defendant/Tenant(s) by any attorney.
5. The Defendant/Tenant(s) was not at the time of the commencement of this action and is not now engaged in the military service of the United States of America.
6. The Defendant/Tenant(s) has made no appearance in person, and the Defendant/Tenant(s) is therefore in default, for want of answer or other appearance in the above-entitled matter.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Plaintiff/Landlord's Signature

\_\_\_\_\_  
Plaintiff/Landlord's Printed Name

\_\_\_\_\_  
Plaintiff/Landlord's Mailing Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Plaintiff/Landlord's Phone Number

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Notary/Deputy Clerk/Clerk of Court

My Commission Expires:\_\_\_\_\_