

## 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 thirty days after the completed service. Once sixty days have passed after service of the Summons and Complaint, an Affidavit of Default is filed with the Clerk of Court.

- Complete the top portion of the Affidavit of Default (the “caption”) as it appears on the Summons and Complaint.
- Complete paragraph 2 by inserting the date that Defendant was served with the Summons and Complaint.
- Read the other paragraphs carefully as you are signing this document under oath and the statements made in all the paragraphs **MUST BE TRUE.**
- Make two copies of the Affidavit of Default, one for you and one to mail to the Defendant. The original document will be filed with the Clerk of Court.
- **You must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**

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.

\_\_\_\_\_  
Plaintiff's Signature

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

Name: (Printed) \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_)\_\_\_\_\_

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

\_\_\_\_\_  
(Notary Public/Clerk of Courts)

If Notary, my commission expires: \_\_\_\_\_  
(SEAL)