

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

)IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

Plaintiff,  vs.  Defendant.	CIV.  <b>AFFIDAVIT OF DEFAULT, MOTION FOR DEFAULT JUDGMENT (AND MOTION FOR APPROVAL OF ADDITIONAL DISBURSEMENTS)</b>
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**AFFIDAVIT OF DEFAULT**

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

\_\_\_\_\_, being first duly sworn on oath, deposes and states as follows:

The Summons and Complaint in this action were personally served upon \_\_\_\_\_, Defendant, on \_\_\_\_\_, as shown by the proofs of service. More than thirty (30) days have elapsed since the service of the Summons and Complaint. Defendant has made no Answer, appearance or pleading and is now wholly in default. According to information and belief, the Defendant is not in the military service of the United States or any of its allies, and is not a minor or an incompetent person.

**MOTION FOR DEFAULT JUDGEMNT (AND MOTION FOR APPROVAL OF ADDITIONAL DISBURSEMENTS)**

The Plaintiff, moves for judgment by default against the Defendant as prayed in the Complaint ((and for approval of ((pre-judgment interest)) ((and attorney's fees)). ((Plaintiff submits separately an (Affidavit as to Pre-Judgment Interest and Approval )(and an Affidavit as to Attorney's Fees and approval.))

Dated: \_\_\_\_\_.

\_\_\_\_\_  
Subscribed and sworn to before me

\_\_\_\_\_.

Attorney for Plaintiff  
(address)

\_\_\_\_\_  
Notary Public, South Dakota

My commission expires:

(2<sup>nd</sup> Circuit Default Judgment form #1, August, 2004)

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

SECOND JUDICIAL CIRCUIT

IN

<p>Plaintiff,</p> <p>vs.</p> <p>_____,</p> <p>Defendant.</p>	<p>CIV.</p> <p><b>JUDGMENT</b></p>
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Since the defendant has failed to answer or appear in any way, it is  
ORDERED, ADJUDGED AND DECREED that the Plaintiff  
\_\_\_\_\_, recover from the Defendant \_\_\_\_\_, the sum of  
\$\_\_\_\_\_, together with Plaintiff's disbursements, (including pre-judgment interest,  
(and attorney's fees) to be taxed and inserted by the Clerk in the sum of  
\$\_\_\_\_\_.

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

BY THE COURT:

\_\_\_\_\_  
Circuit Court Judge

ATTEST:

Charles M. Fechner, Clerk of Courts

By \_\_\_\_\_  
Deputy

(2<sup>nd</sup> Circuit Default Judgment form #2, August, 2004)

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

IN

SECOND JUDICIAL CIRCUIT

vs.

Plaintiff,

Defendant.

CIV.

**NOTICE OF ENTRY OF  
JUDGMENT AND APPLICATION  
FOR TAXATION OF  
DISBURSEMENTS**

TO THE ABOVE-NAMED DEFENDANT(S):

**NOTICE OF ENTRY OF JUDGMENT**

You will please take notice that Judgment in the above-entitled action, a true and correct copy of which is served upon you, was filed and entered in the office of the Clerk of Courts, MINNEHAHA County, South Dakota, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



**APPLICATION FOR TAXATION OF DISBURSEMENTS**

Notice is given of Plaintiff's Disbursements in this action. Plaintiff hereby applies for taxation of such disbursements by the Clerk of Courts, and that any objections by defendant must be in writing, served and filed with the Clerk of Courts within ten (10) days of the service of this application.

Prejudgment Interest at _____%	-----	\$ _____
Service fee	-----	\$ _____
Clerk's fees	-----	\$ 45.00
Attorney's fees (pursuant to SDCL 54-3-13)	-----	\$ _____
(Other allowable disbursements—list)	-----	\$ _____
<b>TOTAL DISBURSEMENTS</b>	-----	<b>\$ _____</b>
Principal	-----	\$ _____

TOTAL JUDGMENT AND DISBURSEMENTS  
(TO BE ENTERED BY CLERK INTO JUDGMENT): -----\$ \_\_\_\_\_

STATE OF SOUTH DAKOTA        )  
  :SS  
COUNTY OF MINNEHAHA    )

I, \_\_\_\_\_, being first duly sworn on oath, depose and say that I am the attorney for the Plaintiff in the within entitled action; that the foregoing Bill of Disbursements is just and correct and that the same have been or will be necessarily incurred in said action.

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

\_\_\_\_\_  
(signature of attorney)

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, South Dakota  
My commission expires:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the NOTICE OF ENTRY OF JUDGMENT AND APPLICATION FOR TAXATION OF DISBURSEMENTS, and JUDGMENT were mailed by first-class mail, postage prepaid, to the Defendant \_\_\_\_\_, at (his or her) last known address, \_\_\_\_\_, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

)IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

Plaintiff,  vs.  Defendant.	CIV.  <b>AFFIDAVIT FOR ATTORNEY'S FEES, STATEMENT OF ATTORNEYS FEES AND APPROVAL</b>
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STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

\_\_\_\_\_, being first duly sworn, upon (his or her) oath deposes and says that (he or she) is the attorney for \_\_\_\_\_, the Plaintiff in the above-entitled matter. Defendant's indebtedness, that is the basis of this action, was to a "regulated lender" as defined by SDCL 54-3-14, and Plaintiff is, therefore, entitled to recover its attorney's fees.

The Defendant executed a contract, a copy of which is attached hereto as Exhibit A, in which the Defendant agreed upon default to pay all attorney's fees incurred in the collection of Defendant's indebtedness; therefore, the Plaintiff should be awarded its attorney's fees in accordance with SDCL 54-3-13.

Attached hereto is a statement of attorney's fees and expenses that have been incurred or shall necessarily be incurred by Plaintiff in the above-entitled action. The amounts charged are fair and reasonable and total the sum of \$\_\_\_\_\_.

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

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, South Dakota  
My commission expires:

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**STATEMENT OF ATTORNEYS FEES**

(here state and list fees and verify)

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**APPROVAL OF ATTORNEY'S FEES**

Based upon the above Affidavit, attorney's fees in the sum of  
\$\_\_\_\_\_ are hereby approved.

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

BY THE COURT:

\_\_\_\_\_

Circuit Court Judge

ATTEST:  
Charles M. Fechner, Clerk of Courts

By \_\_\_\_\_  
Deputy

(2<sup>nd</sup> Circuit Default Judgment form #4, August, 2004)

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

)IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

<p>Plaintiff,</p> <p>vs.</p> <p>Defendant.</p>	<p>CIV.</p> <p><b>AFFIDAVIT AS TO PREJUDGMENT INTEREST AND APPROVAL</b></p>
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STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF MINNEHAHA )

\_\_\_\_\_, being first duly sworn, upon (his or her) oath deposes and says that (he or she) is the attorney for \_\_\_\_\_, the Plaintiff in the above-entitled matter. The interest rate for the debt in this action was, by agreement with the Defendant to be \_\_\_\_% as appears from the document attached as Exhibit A; therefore, the Plaintiff should be awarded prejudgment interest at the agreed rate. The prejudgment interest totals \$\_\_\_\_\_.

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

\_\_\_\_\_  
Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_



Notary Public, South Dakota  
My commission expires:

**APPROVAL OF PREJUDGMENT INTEREST**

Based upon the above affidavit, prejudgment interest at the rate of \_\_\_\_\_%  
in the sum of \$\_\_\_\_\_ is approved.

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

BY THE COURT:

\_\_\_\_\_

\_\_\_\_\_

Circuit Court Judge

ATTEST:  
Charles M. Fechner, Clerk of Courts

By \_\_\_\_\_  
Deputy

(2<sup>nd</sup> Circuit Default Judgment form #5, August, 2004)