

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

These forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us) for specific questions on the forms.

**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 enter the date the tenant(s) was served with the Notice to Quit and Vacate. This can be found on the Affidavit of Service that was provided to you from the Sheriff or process server.
- Number 4 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 4 days of service. Service does not include weekends or holidays.**

<p>_____</p> <p style="text-align: center;">Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p style="text-align: center;">Defendant/Tenant(s)</p>	<p>FILE NO: _____</p> <p style="text-align: center;"><b>AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT (FOR EVICTION)</b></p>
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**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. A Notice to Quit and Vacate was served on the above-named Defendant/Tenant(s) on this date:  
\_\_\_\_\_.
3. The Defendant/Tenant(s) failed to vacate the premises.
4. A Summons and Complaint in this action were served on the Defendant/Tenant(s) by the Sheriff's Office on this date:\_\_\_\_\_.
5. 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.
6. 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.
7. 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\_\_\_\_\_.

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

\_\_\_\_\_  
Notary Public/Clerk of Court

If Notary, my commission expires:  
\_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Signature

Name (Print): \_\_\_\_\_

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

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

Phone Number: (\_\_\_\_) \_\_\_\_\_